

ON THE
FRENCH REVOLUTION.

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3



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SECTION I.

*The National Convention. Its Administration
and its Laws.*

THE Soldiers of the Republic, and their incomparable valour; the generals, and their great talents; the men unknown to Europe, but admired by it, who have traced with so much wisdom and ability all the plans of the campaign; these it is, and the continual successes of the different armies, that have given a splendour to the government of the National Convention. No idea can be formed of the state of abjectness into which it must have sunk had it been supported only by its legislative principles, and its interior administration. The disgrace of domestic conduct has been covered by military exploits, and the infamy of the red cap by the cap of the grenadier.

I do not believe that history will degrade itself by recording, one by one, the decrees of the national convention. For if we except the laws against emigrants, against their parents, against their children, against religion, and against the priests, against suspected persons, against the enemies of the people, against the merchants, against the farmers of the revenue and the annuitants, against the creditors of the state, against the land-holders, in fine always *against*, and never *for*; if we except these, none of the laws of this celebrated assembly can be preserved from oblivion, notwithstanding the *little* interest which its ridiculous versatility has cast upon them.

The disorder of its thoughts, the confusion of its principles, and the numerous speculations of its agents, may be estimated by observing the result of its government. Its predecessors had seized the property of the clergy for the nation. This assembly disengaged their booty from every kind of encumbrance, by refusing to pay the expences of public worship, and the pension promised to the ecclesiastics. To this first property, it added at once the estates and personals of the emigrants, and by the interpretation of the word *emigrants*, extended its confiscations indefinitely.

indefinitely. Thus finally the assembly boasts to have at its disposal from eight to ten milliards of the property of others; and continuing its invasions, it diminishes the public expenses by forcibly retrenching a fifth of the interest due to the creditors of the state.

Observe that these eight to ten milliards are not in the new money, but of the ancient valuation in the good old times of Louis, and of crowns. Never since the creation of the world, never was such a property, added to the annual taxes, in the power of any government. The riches of Solomon, the treasures of the Mogul, the spoils of Tamerlane, and of Gengis Khan, were nothing compared to such a booty, to such vast spoils. Heap together in imagination all the money of France in its happiest days, and all the money of Europe, then double the whole, and you will have the value of from eight to ten milliards.

Who then will not start with astonishment at beholding the prodigious capital entirely consumed, at seeing the public treasury in a state of bankruptcy after having issued assignats, in their nominal amount, infinitely superiour to the real value of this capital which they represent? It is not then astonishing that France, a country so fertile,

so favoured by nature, should enjoy no credit in its transactions. This is the first effect of an imprudent or despised administration.

A fearful ruin—a shameful discredit—behold the marked and distinguishing traits of the æconomical government of the national convention!

What a ruin! what a destruction! We must consider the origin, we must study the principal causes, and we shall arrive at a useful point, at a consoling conclusion, if we prove that the abandonment of Morality has caused our greatest evils: for that guide, that friend still remains to us, when the credit of her hardy detractors exists no more, when these usurpers of opinion, these tyrant innovators shall themselves have passed away. Yes! I cast a look upon the ruined fortunes of the most splendid state of Europe, and beholding so many confiscations, so many assignats, so many milliards accumulated upon milliards, so many incommensurable means, of which the very image is about to be effaced. I am terrified at a disappearance, at an annihilation of resources, of which history furnishes no example: but to the honour and to the triumph of eternal truths, truths essential to social order, this great spectacle proves to the universe, that injustice and immorality

scatter treasures, swallow up wealth, and quickly render vain the avaricious speculations of nations and of governments. It will be for all ages a perpetual warning, a beacon that may not be destroyed; it will be for them the fire of Sodom and Gomorrah, whose flames seem to blaze upon us again, and strike our imaginations with terror.

Royalty is abolished, and the Republic is begun. But instead of establishing a government justly and wisely constituted, they employed themselves only in contending for power; and every kind of jealousy, every kind of hatred agitated the Assembly of Legislators. One of the two parties would reign by terror; and to signalize their system, they trampled under foot with fury all the principles of justice, and daringly mocking at the inviolability of the Monarch, and at his innocence, made Louis XVI. perish upon an infamous scaffold. I have said, that the solemn crime became the pledge of all that followed. The chiefs of a ferocious horde soon perceived that no tie could exist between themselves, and men disposed by their character, or formed by their education, to mild and honourable sentiments, and they therefore cast themselves into the arms of the lowest class of the people. I have shown the

connection of this system with tyranny; I intend at this time only to show its influence upon the waste of public money.

It became necessary to keep in pay an innumerable multitude of defendants, and of satellites; it became necessary to buy from the one the assistance wanted to oppress the other. Who can estimate the profusion to which an usurping authority is obliged to have recourse to establish itself, and to make amends for esteem and confidence? Who can assign limits to the sacrifices demanded imperiously by the necessity of weakening resistance by corruption, and of restraining, by an ever active vigilance, a savage multitude, uncertain in their opinions, and fickle in their sentiments? We know not truly in what expences we engage ourselves the day when we take the resolution of raising up principles in the people, which serve as regulators of their blind passions. Morality, so good in every thing, is of all the assistants that authority can require the most economical to the public treasury; for in sustaining without an effort the social order, she furnishes the best regulated obedience and subordination. Let me be excused this language.

Is it possible to calculate the extent to which dilapidations may be tolerated under
a poli-

a political system, in which conquest, and the support of an unjust dominion, become the sole object of the governors? The finances disappear before the object of their ardent desire, and considering wisdom as an affair of detail, they adjourn it to the time when they shall have become masters, and peaceable sovereigns. In prosecuting this, nothing must be refused to the men who can serve their ambition; and never will there be an account of the waste which the agents of the tyranny have occasioned by their different pretensions. Contracts, and the management of the live provisions, of the carriages, of the magazines, of the forage, of the furniture, and of the markets of all kinds; these formed the means of recompense; and thus too the power of detecting abuses, and of repressing them, was lost.

This prodigality was partly balanced in the beginning by subsidies demanded from the rich; but the rich very soon disappeared; some concealed themselves, or renounced every appearance of ostensible expense; others fled, and their fortunes became part of the from eight to ten millions of confiscation. At length it was discovered how to make protectors, to escape from the persecution of the one by the avarice of the others, and to

make use of that vice to combat the rage of wickedness. Under the empire of immorality, every thing is thrown into confusion; but self-interest remains through all; her changes are so many, that this Proteus must be treated with sooner or later, and the common-weal alone remains without a friend.

It may be conceived that the product of these taxes decreased in proportion as property was diverted into new hands. For the popular tyrants became respectful as they approached the lower classes of society; and we know that at last the great mass of taxes forms the riches of the revenue. Moreover a government, when its usurpation commences, thinks not of the future; its attention is fixed upon the present moment, upon the arduous passage which its ambition must open; and all its thoughts centre themselves there. Still less will it trouble itself to deceive the public contributors, if it finds itself placed in the midst of a mine so productive as the fabric of assignats, and it will be careful of making enemies for so many sheets of paper and so many signatures more or less.

The great abyss in which the finances of the French republic have been lost, is the war; the war with so many nations. But may we not likewise trace its origin in the injustice and immorality

immorality of the principles adopted, or favoured, by the convention, and by the legislators who preceded it?

I shall not defend this opinion, by representing, as others have done, the alarm of Europe at the hostile declarations of the national assembly; for I am fully persuaded that no power neighbouring to France, and maintaining a great commercial intercourse with her, could continue that intercourse without manifest danger. To judge of this, it is necessary to recollect the spirit of the republic at the beginning of 1793. It published with loud cries the equality of ranks and of fortunes; outraged every government with brutal insolence; invited the people to throw off the yoke of their laws; openly preached up irreligion and atheism; and under the name of liberty, legitimated every crime and every madness. Would it then have been safe for any country continually to receive in its ports and towns missionaries in red caps, busied to propagate their follies by every method which could dazzle the people and captivate their senses? —It entered into the system of the masters of France, to persuade the nation that they were involved in this war on account of the king. Alas! there had been no immoderate interest taken in the situation of Louis XVI. before his
unhappy

unhappy fate ; and if the new republic had not alarmed all governments by its principles, they would not have hesitated to acknowledge it, and to remain with it on friendly terms. They quarrelled not with its liberty, but with its astonishing immorality. The neighbouring states beheld that immorality in the degree to which it had elevated itself, and in the circle it encompassed ; they considered it as a pestilence from which they ought to endeavour to preserve themselves, and which it was their duty at least to submit to the quarantine of experience.

Yes—I doubt not, that even at the abolition of royalty, a wise and moral conduct on the part of the republic, and its leaders, might have prevented the war and its calamities ; and as I place with reason among the principles that direct such a conduct, Moderation in triumph, that generous sentiment might have averted the unheard of rigours which plunged a part of the French citizens in despair, and made them the enemies of their ancient country. I know that great success has dissipated these regrets, and that they love the war that has covered the national arms with glory, and promises an increase of territory to the republic. Alas ! five hundred thousand soldiers slain in the war keep silence,

no one repeats their names, no one recalls the remembrance of these gallant young men who have disappeared from the earth in the age of happiness and of hope; no one in the midst of cities has heard the complaints and cries of the wounded, of men mangled in the hospital by unskilful hands, or covered over with earth on the field of battle whilst yet half-alive! Ah! that some just appreciator of human affairs would appear amongst us! that some still more penetrating intelligence would descend from Heaven, to open to us the secrets of true glory and of true happiness; then should we with certainty estimate the real value of conquests purchased by so many tears and so many sacrifices!

It would be a great question, to examine what is the utility of an increase of territory to a republic founded upon the principles at present adopted by the French nation. She will not convert the conquered countries into colonies; but in uniting them to her political association, every new province will augment the difficulties of a government always one and indivisible, and will open more chances for disorder, or for despotism.

Every province annexed to the empire will likewise weaken the spirit of the country; for this spirit is subject to the general law
of

of affections ; it must have its limits ; a boundary is necessary to it : and if France, aggregating to its social compact a portion of Europe, should double its extent, these civic sentiments would alter themselves immediately, and assume an abstract character that would no longer possess any charm, any influence, any life.

I believe then that it is permitted in the midst of the successes and triumphs of France, to regret, in her name, the prudence and the morality which have permitted her masters to prosecute a war, in which so much blood is shed.

I examine now the fearful depreciation of assignats, and the disorders of every kind which have been the consequence ; and I find that in this part of administration, the contempt of justice and morality can likewise alone explain this most disastrous of calamities.

The national domains have been given as a basis to the assignats ; and as if it were not enough to dispose of so vast a property, in great part so unjustly acquired, in favour of the revenue, a new kind of avarice was indulged, and the uneasiness of the holders of assignats enabled them to sell the confiscated property at a higher price. Behold the cause of the
continual

continual dégradation of paper money. Let us explain this proposition.

The value of assignats might have been established in opinion, they might have been kept up at par with specie, or at least nearly at par; if the price of the national domains had been in good time fixed invariably, instead of being left to an indefinite auction.

What in effect has been and what ought to be the consequence of such a mode of sale? it has been to put in competition the alarms of the holders of assignats, and thus gradually to increase the depreciation of that money.

The national domains therefore resembled boats hired or bought by fugitives, who have crowded to the banks of a river, and are exciting each other's fears by the repeated cry of "Save himself who can."

The sale by auction of the national domains could not have occasioned any inconvenience, if the current money, the money destined to purchase these domains, had been in specie as formerly, and of a fixed value: the purchasers could then have had no motive for competition, but the value which they placed upon the different lots offered for sale, and this competition would have been advantageous to the revenue, without any mixture of inconvenience.

But

But when the currency was all in paper, and in paper not always convertible into specie, as in a country where there are well-established banks, such a fluctuation in opinion of the value of the same paper necessarily took place, that the sale of the national domains for assignats, resembled less a sale by auction of that property, than the buying up of assignats on the other hand, at "who asks least?"

Observe, that opinion, in its fluctuations, always attaches itself to the price of that object of exchange whose value is least fixed.

Thus if landed property is of uncertain value, when considered relative to specie, it becomes an object of more fixed value relative to paper money, such as the assignats.

Therefore to sustain the credit of this paper money, a money so exposed to the varieties of opinion, it was necessary to determine, in a fixed manner, the quantity of goods or of national property that could be obtained in exchange.

Then the assignats would, as I have before said, have kept nearly at par with specie; but then the government could only have issued assignats equal to the value of the national domains. This might perhaps have been ten milliards.

But

But to the eternal disgrace of the national convention, it sacrificed the credit of the paper money of the republic, that it might issue a greater nominal sum of assignats; and abandoning itself to a system of fraud, it took advantage at the public sales of the competition of fear, to give a fictitious value to the national domains, superiour to the real value; and adding hypocrisy to fraud, asserted, that the assignats, though infinitely multiplied, were still issued upon a secure pledge.

The government spoke truth, nominally speaking: but this is nothing at the tribunal of good faith; for if it had one day but an hundred acres of the national domain to sell, and there remained an hundred milliards of assignats reducible to this property, through every kind of exchange, every acre would be worth a nominal milliard. I have carried this idea to the extreme, as will be perceived, to render it the more striking.

Let us now examine, if the convention has enriched itself by taking advantage of this fear to raise the national domains to a nominal value far superior to their real one;—if condemned by Aristides, it would have been acquitted by Machiavel.

The government, I will suppose, has made itself at present possessed of thirty nominal
milliards,

milliards, instead of ten of real metallic value, in national domains: but at the same time, the assignats sink every day below the value of specie, and it becomes necessary to estimate a greater sum for every purchase, and for every kind of free merchandize; thus, except in its advantage in the payment of annuities, of which we shall shortly speak, the government has lost in nominal expenses, what it has gained in nominal receipts, and is in danger of a loss still more considerable. Let us explain wherefore.

The assignats, as they must one day be greatly deranged, have fallen far below the price which appeared indicated by the relation of their number to the value of their security. Supposing then that an approaching peace should suffer the fabrication of assignats to be effectually terminated, and at a period when their nominal sum amounts to forty millions, whilst there remained, in unfolded national domains, a metallic value of eight millions, these eight millions would be to the forty millions of assignats, as twenty per cent. to the mass. Thus, the government having employed the greater part of these forty millions of assignats at the rate of an hundred livres in assignats, for two or three livres of real value, would find that in the
end,

end, after having thrown the finances into confusion by its avarice, and after having used the greatest treachery towards the creditors of the state, it had made a bad calculation for its interest, and a detestable one for its reputation.

It could not have been possible, even by supporting for three or four years from eight to nine hundred thousand soldiers, to swallow up ten milliards, exclusive of the annual revenue, ten milliards of real capital. This is an enormous sum.

We cannot dispute the extent of the advantage, which the national treasury has obtained, to the detriment of the annuitants and creditors of the state. Never has so barbarous an injustice been committed, and never has the imagination been able to represent it. The bankruptcy has been almost complete, but it has been hypocritical, and therefore of a kind the more despicable, and the more odious. It has been said, "so many livres are due to you per annum, here they are;" but these livres are purely nominal; they can purchase in every part of the country, only a fiftieth part of the wheat or any other necessary provision that they could formerly have procured.

In the mean time, they do not reason thus

in selling the national domains; and they procure for what is sold a nominal capital, fifteen or twenty times greater than the real value in specie.

The government then has two weights and two measures. Is this to govern? Is this to represent a nation? Does this nation permit itself thus faithlessly to ruin a part of its citizens, and to deal with them like pirates? Does this nation permit itself to make strangers, the friends of France, lose ninety-eight parts in an hundred of the annual interest of a capital, for which the Republic has acknowledged itself solemnly indebted? Yes, ninety-eight parts in an hundred, I exaggerate not. Behold the exact account of the actual produce of a French annuity.

It was before the Revolution, a	
thousand livres paid really by a	
thousand livres	- - - 1,000
Two hundred livres have been re-	
trenched from this sum, by reduc-	
ing the interest from 5 to 4 per	
cent.	- - - 200
	<hr/>
Remainder	- £. 800
	<hr/>

payable in assignats, which, at the rate of thirty sols for an hundred livres, the actual
 * exchange,

exchange, and liable still to fall, are worth twelve livres instead of a thousand.

Behold the French faith, of which so much has been said!

But the value of exchange, you say, is a chance which no government ever can guarantee; if this exchange is at present disadvantageous to the foreign creditors of the nation, it is to the bankers and to the stock-jobbers that it must be attributed. Ignorant or deceitful men! address such language as this to the Parisians, who will be docile enough to find it conclusive, and who, instigated by you, will raise the hue and cry against the stock-jobbers, as the cause of the depreciation of the assignats. But the French government is the great and unparalleled stock-jobber, when, under the pretence of selling the national domains by auction, it has availed itself of the competition of fear, to buy up the assignats at their lowest price, and when infinitely multiplying these assignats, it finds for them still a sufficient security, not in the real, but in the nominal value of the national domains. Complete knavery, as I have demonstrated, for the nominal value of those domains must always rise in proportion to the depreciation of assignats.

It was the constituent assembly that first

adopted the method of selling the national domains by auction; but at that time they consisted only of the church property, and the assembly intended to limit the creation of assignats to twelve hundred millions. In the memorial which I addressed to them in opposition to this financial measure, the very day on which it was proposed, this sentence may be found: "Undoubtedly the depreciation of assignats will allow you to fix a higher price upon the national domains, but a government ought not to transform itself to a gambler in the funds, and take advantage of an alarm to make a fortune." This was a sentence anticipating all my present reflections.

The moment arrived, when the convention was terrified at the continual depreciation of the assignats, and discovering that it was indispensably necessary to stop its progress, adopted the measure of the *maximum*: that is, the fixing the highest price of wheat and necessary provisions. In this manner an exchange was secured for the paper money, and an exchange upon fixed conditions. The expedient had many inconveniencies; but it announced that the inventors rightly perceived the principal cause of the continual fall of the assignats. This fall could have no limits

limits after the abolition of the maximum, and it was reasoning absurdly to bring forwards those arguments for the abolition, which render such a law absurd in a country where the currency is subject to no such fluctuation in its value.

The value of assignats might certainly have been kept up by renouncing the sale of the national domains by auction; but a wise measure, when engrafted upon a long system of deceit, excites opposition; and one of the most fatal effects, among many others, of a spirit of fraud and infidelity in Governments, is, that of rendering them suspected even in their repentance.

The National Convention, I believe, lost the advantage of salutary counsel upon the subject of assignats; for a principle of morality prevented many persons from abandoning themselves to reasonings, of which confiscations must always have been the elements; they must at least have felt the same repugnance, as to displaying the ingenuity of needle-work upon a suit of mourning or upon a shroud.

I speak not merely of those abominable confiscations, which were the consequence of sentences called *revolutionary*, and of which part have been revoked; but the property of so many citizens who fled in a time

of terror; the property of those who were travelling, or who were resident in a neutral country, at a time when every Frenchman enjoyed that liberty; the property of women, who, faithful to their affections, have followed through every vicissitude the destiny of their husbands; the property of children, incapable of knowing any other duty than that of a holy obedience to the voice of their parents; the little property of domestics, detained by ties which the misfortunes of their former protectors had rendered respectable; the vast property of the princes, who have always remained in the bosom of the republic, against whom their blood and their birth have been alledged as crimes; the property of that part of the inhabitants of Savoy, or of the other conquered countries, who have been so severely punished for their fidelity to the sovereign whom they had sworn to serve, and whom they could not desert without treason or without cowardice; the property of so many Frenchmen, proscribed for having hesitated longer than others in the sudden contest between ancient principles and new opinions; these various properties, thrown together to the mass of confiscations, do they form a pure source of riches? or can it be pleasant to direct their course? Ah, who can tell that it has not been smitten

smitten by nature with sterility? I will even say, at the risque of appearing to exaggerate the assistance that may be expected from morality, that if it were my office to direct the finances of France, and to save the assignats I should derive my greatest hope from restoring a great part of the confiscations, so to alleviate misfortune, and render a public reverence to the laws of Justice.

We may still observe, in following the convention through its administration, that it has always bewildered itself by withdrawing from those principles which I believe to be closely and constantly united to sound policy,

It disposed arbitrarily of the fortunes of the citizens, altered and divided them at pleasure, and all the distinctions of property were overthrown or destroyed. The rights of inheritance, the titles of possession obtained and made sacred by contracts, the fruits of long labour, the wants of long habit, the wants of old age, all are despised. The very harvest of the labourer which he has gained by the sweat of his brow, and earned by so many sacrifices, that harvest is seized, and after the husbandman has paid the duties, after he has preserved it from the rains, the frosts, and from the devastations of insects, he sees his barns opened by men who mark with chalk what he shall keep,

what he shall sell, and the price with which he shall be satisfied. Every thing bends before the most prodigious despotism that can be imagined, and we are for a moment tempted to believe, that justice is an abstract idea, a mere principle, of which it belongs to these philosophic legislators to cure the public opinion, and the human race. But it may soon be perceived, that they have ill calculated the force of private interests, and that, amidst the general terror, a resistance of inactivity is still opposed to the tyranny with which it is embarrassed. An universal discouragement displays itself, and the government discovers, that in taking from the owners, and particularly from the husbandman, the free disposal of their produce, it has induced upon itself the necessity of executing and directing the movements of all the renovators of riches, that it is obliged to command the artisan to labour, the trader to traffic, and the carrier to set out on his road; that it is obliged to warn the countrymen to gather in their harvests in time, to watch over the removal of their labours, to employ itself for them in preparing for the following year, and to place, as it were, the seed in their hands. Thus the supreme authority, because it has sported with property, because it has violated the rights of man in society, insensibly

insensibly finds itself engaged to perform the former tasks of every private interest, and it must soon discover its inability. *Justice, the Lady and the Princess of all the virtues*, these were the words of the orator of the commons at the States-General of Tours in 1483. How are the times changed! Alas! this Lady, this Princess of the fifteenth century, has in our days received a thousand outrages; she has been mocked, she has been most cruelly insulted. A jealousy prevailed against all that men had said or thought in former days, and justice found herself included in the proscription of all old opinions. This remark may appear singular; but, in truth, I exaggerate little. Every thing has been conducted, every thing has been forced, throughout the French revolution, by presumption and by vanity; its leaders called for the first time to the offices of government, believed themselves endowed with peculiar penetration, with superior light, from the instant in which, amid the crowd of received opinions, they discovered some prejudices; abandoning themselves then to a proud enthusiasm, they imagine that every thing was illusion, that every thing in the world was to be changed, and they were flattered, not in vain, with the glory or the notoriety of such an enterprize.

They

They were deceived in their calculations, and they will experience, they even now experience, that vague but powerful resistance that arises from the inviolability of the moral nature of things; and the first truth that will re-appear in all its force, is the importance of justice, is the indispensable necessity of that social bond. I even expect that the internal troubles of France, and the confusion of its administration, may at some future time afford to the defenders of justice, means of which hitherto they have had not even a conception. We shall refer to them hereafter, and upon the faith of experience, that this great virtue is absolutely necessary to simplify the ways of authority, we shall have a right to pronounce, that at the moment when a respect for justice is weakened, when it is accounted as nothing in political deliberations, that then the governors are pursuing a chance road, and lose themselves in a labyrinth.

What is, in fact, the great advantage of principles of justice to government? they guide, they restrain the action of private interests, and the supreme authority has nothing to direct but the great social relations. These principles surround with a bulwark the counsels of state, and oppose a barrier to the freedom of systems. He who begins to govern
may

may indeed consider this barrier only as an obstacle in his way, but he will not be long in discovering, that in levelling every thing before him by despotism, he will find himself transported to a region without bounds, and where no path is traced ; he may advance, he may retreat, he may march in all directions, and he will find no guide but his own imagination.

Weak mortals, even in the very act of authority, you have need of shackles, you have need of a severe guide, for nothing is fixed, nothing is limited in our spiritual faculties ; and it is by permitting ourselves to be restrained by duty, by observing the great rules of morality, that we can acquire a confidence and firmness which may enable us to rule others and to govern ourselves.

This is an important truth, and I have certainly given it some force in showing that these legislators, in the plenitude of their power, at the time when the general will was with them, when their assembly served as a point of union for the thoughts and the knowledge of a numerous nation, lost the fruit of so many advantages when they neglected, when they openly violated the laws and the principles of justice.

I began this subject by a remarkable expression

pression of the orator of Tours; I shall conclude it by a lesson that came from on high, by the words of the holy scripture in the Book of Proverbs, "Justice exalts a nation, but iniquity is the disgrace of a people."

Is it not strange that not even one law of order, one beneficial law, should have issued from the national convention? What remains of so many decrees passed, and changed with the same precipitation, according to the uncertain fluctuations of rashness and of repentance? The laws of testaments, that establish the independence of children, break the sceptre of the parent, and destroy the last authority of old age. The laws of marriage, that mock at that moral and political union, submitting the duration of those ties of which the government of families and the social order are composed, to the passions of a moment and to the changes of caprice. Preparations without end for education, and all their vague and useless emptiness. In administration, a strange and unsettled system of taxation, and the abrupt transition from the most liberal principles of commerce to the most rigorous prohibitions. Always a wide theory and ample promises, but in its operation all the constraint of despotism! The property of the harvest, the property of labour, the property of
of

of time, the property even of the person, every kind of property subjected to continual requisitions; and man converted into a machine at the command of every one except himself. The colonies thrown into confusion by a continual change of principles, and by the wish common to the three assemblies of making new decrees and new experiments. The great roads neglected, once the admiration of Europe, but which, because they were brought to perfection under a monarchical government, offended the eye of the Jacobin traveller. There will remain the sacrifices of an incalculable number of private fortunes to the public treasury, and the probable annihilation of the finances and of the riches of the state: there will remain the memory of a long train of harangues and controversies upon the means of subsistence, without grain, without bread, in an endless and severe famine: there will remain, in fine, abundant maxims, but of little use, upon Equality, upon the Rights of Man, upon the Sovereignty of the People; and, to fill up the strange measure of so many absurdities and so many errors, a ridiculous confidence in the praise and the gratitude of generations to come. Ah! to present itself honourably at the tribunal of posterity, the convention must be accompanied by the soldiers and the
generals

generals of the army, by the conquerors of Gemmape and of Fleurus ; for it will be but badly received if it hangs up no other trophies than the immense reports of its debates and its decrees. Alas ! if it should appear naked or exposed with its legislative plans and measures of administration, with its systems of commerce and of finance, with its assignats and its maximum, its peculations and its bankruptcies, its political poverty, its *tutoying*, its cynical dress, and its sans-culottides fêtes, in fine, with all its little revolutionary costume, its *messidor*, its *thermidor*, its *duodi*, its *quartidi*, and all its decimal fractions !

There remains, too, for the national convention the infamous retinue of those men, whose morality it has destroyed by its own indifference, and by principles destructive of every tie. What an example—what lessons has it given them ! and truly they have proved themselves zealous imitators and excellent disciples !

In fine, and this trait is remarkable in the history of the crimes and the misfortunes of mankind, the national convention has almost annihilated pity ; for, by so infinitely multiplying its acts of injustice, it has established a kind of rivalry among the miserable ; it has authorised that dreadful reply to those who complain,

complain, "I likewise! and I!" comparison alone is thought of, and compassion is extinguished.—This is perhaps the most wretched situation to which men in society can possibly be reduced.

A last attack upon the opinions that preserve order and morality, a kind of madness in principles and in legislation, deserves from its nature to be considered alone. It belongs to the melancholy period we are now describing.

The national convention had long abandoned to contempt and insult every mark of public worship, and every symbol of religious opinions. It had shut up the temples, and they were soon converted to uses the most opposite to sentiments of reverence; at length, by a derangement of intellect which recalled the times of the Saturnalia, it made a goddess of Reason. She had her ministers, and particularly her sacrificing priests, and, as the consummation of extravagance and impiety, prostitutes led along in triumph, were made the types or the idol of this new idolatry. But it was perceived in the countenances of the people, that so many profanations terrified them; it was then time to retreat. Then it was, in the midst of this wreck of religion, that the national convention

tion made profession of its belief in God ; but the most atrocious of men was selected to be the organ of this solemn declaration. He had given, but a few weeks before, the name of the SOVEREIGN LEGISLATOR to nature, and it was he, it was Robespierre, who in public, and surrounded by all the members of the convention, set fire to a kind of puppet, called Atheism. Immediately after this ceremony these words, dictated by the government itself, were inscribed upon the walls of the temples, which were now become the warehouses of commerce ; “ *The French people acknowledge the Supreme Being, and the immortality of the soul.*” What a reparation ! what an homage ! and they imagined, undoubtedly, that the angels and the cherubims would carry the intelligence to the halls of heaven, for they could not be ignorant of it, as the acknowledgment of the French people was every where written in large and legible characters. O absurdity of human pride !—This people may be powerful on earth ; but France with its eighty-four departments, eighty-five, including Corsica ; France, and the other countries of Europe ; France, and this whole globe on which we all revolve together round the sun ; the earth, and the millions ; the milliards of planets that people the celestial vault ;

vault ; these are but as atoms, or as grains of dust, to the unknown Author of so many wonders. Ah ! let all the presidents of national conventions, present and to come, acknowledge kings, and dukes, and republics, and let them, if they please, still give the fraternal kiss to all the ambassadors of the princes of Europe ; but let them be silent, or on their knees address the Supreme Being.

It was about the period of this return of piety in the convention, that it forbade the armies to make any English or Hanoverian prisoners, or to allow them quarter, either during the fight, or when, according to the laws of war, all animosity should cease. This inhuman decree was detested even by the most brutal soldiers ; nor could the supreme authority compel its execution. Glory be to the heroes who have done honour to France ! Ah ! how often, in every part of the republic, how often have the generous citizens resisted those decrees that appeared to break the rules of justice and the principles of equity ! how often, at the risque of personal safety, have they fulfilled the duties of hospitality, of compassion, and of goodness ! Yes, notwithstanding the loss of so many Frenchmen, whose virtues might have served as

beacons to the rest of the nation; notwithstanding the war of persecution, which has been carried on with so much perseverance against every pure and noble idea, an invisible hand seems to have preserved the germs of honour and of morality in the midst of an illustrious nation, and has given in every rank overawing examples of greatness of soul and of generosity. Ah! may they be preserved and gathered together, to be one day annexed to the history of so many crimes! There are scattered and insulated traits, which may yet, by their beauty alone, support the reputation of a people, and, perhaps, characterize it more truly than public deliberations, and those collective actions with which a gigantic something, either in the end or in the means, is always mingled, and where the natural disposition of men is so frequently changed by the progress of a spirit of imitation. Ah! if this excuse should not be found good, let it be pardoned in an old friend, in an old servant of a nation whose brilliant qualities have so long captivated his admiration, and who would willingly, at the price of his life, efface those stains that have sullied the object of his worship.

SECTION II.

*From the Fall of ROBESPIERRE to the Epoch
of the new Constitution.*

HEAVEN was wearied with the crimes of that villain, who had usurped so much authority over the national convention, and over all France, and the fall of Robespierre astonished by its rapidity even those who had studied his plans attentively, and who were placed nearest to his intrigues. We shall never perfectly understand the mysteries of his ambition; it may be doubted if he ever possessed a confident entrusted with his final intentions; his soul dwelt in solitude, and the recesses of his conscience seem to have been illuminated only by the torches of the furies, and by the gloomy flashings of their pale flames. We cannot satisfactorily explain the part he took for six weeks before his fall, of absenting himself from the sittings of the committee of public safety, that commanding committee, armed with so many powers. He was, indeed, present there by the assistance of

two conspirators * entirely devoted to him; and at the same time he alone directed the police, that power with which his revengeful arm was about to strike every thing. It cannot, however, be doubted, that this marked absence from a committee, where the most important affairs of the state were transacted, was connected with some secret plan. Did he foresee the moment when the people would no longer endure the abominable executions, which were every day presented to their eyes; the moment when, united with the numerous citizens whose indignation had till then been repressed by terror, they would burst out in a general explosion, or at least an insurrection, against the authors and the agents of a system which Beelzebub and the infernal legions would have found a difficulty to support? Could Robespierre have conceived the audacious hope of placing himself one day at the head of this party, and thus overthrowing a committee, which, by equalling him in ferocity, left him no place of distinction? In this point of view it is remarkable, that during the six weeks of his retreat the executions were doubled in Paris.

* Couthon and St. Just.

One of the most marked characteristics of the crooked policy of the advocate of Arras, is the readiness with which he abandoned his accomplices, I will not say his friends, whenever circumstances demanded it from his ambition, or merely from his haughtiness and his vanity. He had been connected with that party, who, in the legislative assembly, had brought on the events of the 10th of August, and the deposition of the king; but when this party wished to enjoy their triumph, Robespierre became their most implacable enemy. He had made himself the patron of the municipality of Paris, and by his close connection with it had subdued the national convention, and ruined the leaders of a majority that opposed his despotism*; but when that municipality wished to rely upon its own power, when its officers became envious of a popularity that personally affected them, Robespierre forgot the services he had received, and their sacrifice was decreed†. He had had for his colleague in the revolution a man of determined character, of impetuous eloquence, and who was foremost on every occasion when it was necessary to hurry

* The victims of the 31st of May, 1793.

† Chaumette, Hebert, &c.

on the Jacobins, the sections of Paris, and the national convention, to decisive measures; he went to the assault better than Robespierre; but he was subject to many passions, and Robespierre obeyed only one; thus the political activity of the one was liable to be confused, whilst the ambition of the other never slept. They were seldom seen in opposition to each other in the national convention, but the mere rivalry of reputation was with Robespierre a fault that could not be forgiven. Danton, the man of whom I speak, was not ignorant of this; for this saying of his is preserved, "Every thing will be well whilst the people cry Robespierre and Danton, but woe to me! if they should ever cry Danton and Robespierre!" His day arrived; he was delivered over to the revolutionary tribunal, and put to death. Another deputy of some abilities * perished at the same time, the victim of Robespierre's perfidious desertion. He had endeavoured, in a weekly journal, insensibly to dispose the Jacobine people to moderate their sanguinary measures; in this attempt he had assured himself of the tyrant's approbation; but the moment for this doctrine was not yet come; an outcry was raised

* Camille Desmoulins.

against it in the popular societies, and Robespierre, to prove himself perfectly unconnected, without hesitation, devoted the writer to the scaffold. How many treasons of this nature could be cited ! and one day they will be ! Illustrious for so many crimes, Robespierre will have the honour of a detailed history ; he will be traced from his infancy, and you will be worthy of such a lesson, you who have broken the cradle of Henry IV. and cast its fragments in the fire !

It may easily be conceived, that a man, preyed upon by ambition and jealousy, could not long remain in concert with associates in power, with the members of the two supreme committees ; but it is difficult to imagine how he could display so little prudence in his plan of attack ; how he could suffer it to be penetrated before he had secured its progress by any preparations, by any well concerted dispositions. The destined instant of his confusion appeared to have arrived, and it is singularly remarkable that a man whose policy had till then been so wary and so profound, should, in the moment of difficulty, have acted with the rashness of youth and the imprudence of a novice. This truth would have escaped before, if it had not suited the vanity of the victorious committees to

magnify their triumph, by attributing to their adversary a plan equally vast, and skilfully concerted. But there was nothing that resembled this. Robespierre was overthrown at a time when he scarcely believed the contest was begun. He ought to have known well, that many leading members in the committees, and in the convention, were now become certain of his hatred, and were watching its effects; but, full of confidence in his ascendancy, blinded by long success, he believed it always in his power either to govern the movements of the assembly, or to calculate the weight of opposition in time to balance it by new combinations. He was confused by the rapidity of the attack, and this rapidity was itself determined by the circumstances of the moment. He had the imprudence, on the 26th of July, 1794 (the eve of the 9th of Thermidor) to denounce the conduct of those committees that were at that time in force, and to hint vaguely to many deputies the proscription with which they were threatened. Never had he expressed himself so feebly as on that day; and as the outline of that composition was found in his own writing, there is reason to believe, upon comparing it with many other of his speeches, which were ably arranged, that he had

had different authors at his command. Every thing was vague and irrelevant in his last discourse. It was a complaint to his friends, not the commanding language necessary to overawe his rivals. He spoke like a man terrified by the number of his enemies, to persons who were impatient to rouse up all France against him. He discovered his embarrassment to a jealous confederacy, who were willing to increase his distress. He announced the defection of his allies to the eager slaves who waited for the moment when he should be left alone, that they might strike him; and whilst he was thus discovering his alarm, and thus making signals of distress, he pointed out the persons on whom he desired to be revenged, and those persons were then in the assembly, learning from him, himself, that caution on their part was no longer necessary. One of these marked members was at the head of the finances; Robespierre spoke of his plans with contempt; he called them little, and fraudulent, and mean; and this man, irritated as an author, and wounded in his official vanity, first lifted up his voice, and complained against him with bitterness. A majority of voices refused to decree the printing of the insulting speech pronounced by Robespierre, and this
natural

natural resolution was considered by the tyrant as a revolt worthy of punishment. But they did not leave him time to meditate vengeance. The deputies, evidently exposed to his first fury, met together in the night; they were convinced of the danger of their situation, and of the fate that awaited them, if they did not destroy their enemy on the morrow. That morrow was the ninth of Thermidor (the 27th of July, 1794) a day justly celebrated in the French revolution. A man of intrepidity* attacked Robespierre openly, and with the greatest force; he was supported by a *bull dog*† leader of the committee of public safety, who had fallen into disgrace with the tyrant, after having long been one of his most atrocious ministers. The signal for opposition once given, many deputies ranged themselves under the standard raised by Tallien; and when a rank of aggressors had formed as it were a bulwark, behind which the less daring believed themselves safe, the attack became general, and it was easy to perceive that every one was weary of the tyrant's oppression, and that terror alone had multiplied the number of his adorers. He attempted to speak from

* Tallien.

† Billaud-Varennes.

the tribune, but the cry of "Down with the tyrant," arose from every side, and he could not make himself heard. A decree of accusation was soon demanded, and issued against him, against his brother, and against three * of his ablest associates. He was conveyed to the Luxembourg: a commissary of the police, with the intention of serving him, refused to receive him there, and the guards took him to the hall of the commune. He found the municipal officers disposed to defend him there; but their tardy efforts were unavailing. A great armed force, obedient to the convention, quickly occupied all the avenues; a detachment entered the hall; everyone fled; and Robespierre, already outlawed; Robespierre, stupified now, after having attempted to kill himself, and shattered his face with a pistol shot, fell without resistance into the hands of the gendarmes charged to take him, and a few hours afterwards he perished upon the same scaffold where he had sacrificed so many victims. We must regret that his wound rendered him speechless; we could have wished to observe his ferocious spirit in its last extremity; but the den was closed, and we know

* Couthon, St. Just, and Le Bas, members of the committee of public safety.

nothing of the monster but his actions and his cruelty.

Paris could with difficulty recover from its astonishment at learning the sudden downfall of a man, who appeared, but the evening before, the absolute master of France. This general opinion of his power was well calculated to produce a backwardness and inactivity in his enemies; nor can it be doubted, that he ruined himself by his blind imprudence. He voluntarily embroiled himself with the committees, who would have been content with the subaltern credit he had permitted them to enjoy; he set a mark upon those persons who were to fall before him; he developed his designs in a speech delivered to the convention in the morning, and to the Jacobines in the evening, and yet he had taken no measures to render himself victorious in the contest. It was not thus that he conducted himself to overthrow the Girondists. Circumspect and prudent movements had preceded the contest of the 31st of May, 1793, and his enterprize was crowned with the most complete success. In 1794, he relied too much upon the terror which he had inspired; he miscalculated the rapidity of the succours which he might expect from the attachment of the municipality of Paris

Paris and of the popular societies; he reflected not that the convention, as the depository of the legal authority, could make war upon him with a promptitude that would render all his powers useless, unless he assembled them before hand; above all, his hour was come. The timid hand of a young girl was sufficient to destroy Marat * at a time when he was calculating, in his bath, whether three or five hundred thousand victims were still necessary for democracy. The error, the confusion, perhaps, of a moment decided the ruin of Robespierre, at a time when every thing bent before him, and when he thought only

* Marat was a deputy from Paris to the national convention; he made himself remarkable, in the course of the revolution, by his popular writings, and particularly by a paper called *The Friend of the People*. He spoke there like a madman, and always of blood and vengeance. He was killed by Charlotte Corday, on the 14th of July, 1793. They considered him as a martyr of democracy, and multiplied honours to his memory. The national convention appeared in a grand train at his funeral procession, and ordered, by a decree, that the remains of the hero should be deposited in the Pantheon. They believed by this precaution that they had rendered him immortal; and behold, at the end of two years, I think myself obliged, for the sake of strangers or of the rising generation, when I mention Marat, to explain who that personage was! Robespierre dexterously employed him to exasperate the Girondists before the 31st of May, and engage them in measures which rendered them unpopular. Robespierre liked the extravagancies of Marat, because, in keeping a little below them, he believed himself a reasonable fanatic.

of accelerating the progress of his authority, and showing himself more arrogant. Circumstances still more accidental than these have destroyed so many mighty villains, so many tyrants. Providence, when it will, sports with these colossuses of pride, and is pleased to overthrow them with a light breath, so to prove to their foolish adorers the weakness of the idol before whom they have so humbly prostrated themselves.

Robespierre looked to the tribunes, in the sitting of the 9th of Thermidor, when the movements of the assembly began to alarm him; he looked for assistance and compassion to men whom he himself had trained to fury and carnage; they all remained unmoved.

He experienced, on the same day, at the hall of the commune, another proof of the vanity of the calculations of all popular leaders; and this trait is remarkable in the moral history of the Revolution. The procureur general of the commune of Paris had just received the decree of the convention, which placed all the municipal officers in a state of outlawry; he read it aloud in the midst of a numerous assembly, and falsifying it immediately, comprized the tribunes in the act of proscription, thinking by so bold a falsehood to excite them

them to arms and to vengeance; but the effect answered not the impostor's expectation; the assistants all fled, and in a moment the galleries were deserted. Indignation belongs only to a sentiment of pride, and this cannot be inspired into men degraded by wickedness; the insolence of triumph is familiar to them, but never the courage of adversity.

Thus, a vigorous resolution on the part of the convention dispersed the impure satellites of the tyrant and of the tyranny, and on the morrow of the 9th of Thermidor, we might have looked for that colossal power that had made France tremble, and have perceived only its ruins.

The fall of Robespierre was the signal for the ruin of the Jacobins; their destruction was not legally decreed till the month of November, 1794; but immediately after the 9th of Thermidor, a member of the convention, accompanied by a slight guard, went to shut up the hall of their assembly, and laid the keys upon the table of the convention. Thus quietly and contemptibly ended a society, which, by its affiliations, had governed France, and kept under its yoke for many years, not only its own members, but also the representatives of the nation, and all the depositaries of the constituted authority.

The

The French legislators received complimentary addresses from all parts upon the justice which they had executed upon a man, who had made himself, by his crimes, the master of his country; and these legislators, who had so long crouched and trembled before him, attributed to themselves, for the tardy revolt, the spirit, and the soul, and the heart of the last Brutus: but Robespierre had not been Cæsar but for their weakness, and it was not the slavery of Rome that had animated them, but their own personal and imminent danger.

A singular spectacle was exhibited in the convention immediately after the fall of Robespierre. His colleagues in the supreme committee, his comrades in crimes and in tyranny, endeavoured to raise a wall of separation between themselves and the man who was now no more; between their virtues and his iniquity; between their generous sentiments and his perfidiousness; between their love of liberty and his ambitious desires; and among these honest persons was a Collot d'Herbois, the sanguinary decimator of the Lyonese, and the destroyer of their city; a Billaud Varennes, equally ferocious; and a Barrere, the shameless "mouth-piece of all murders." They had participated in the fury of the despot, and these

these tygers began to fawn that they might be excused or forgotten in the general indignation. The sudden change of their language was marvellous; the logical Barrere distinguished himself in this transition; he substituted at once sentences of morality for blasphemous maxims; he spoke in favour of moderation, and, without trembling, he praised justice and truth. This man had been heard to say, but fifteen days before, that the committee, of which he was the organ, that committee, the saviour of the state, *was coining money upon the Place de la Revolution**; now he was in extacies to think that the convention were about to make *virtue the order of the day*. He had continually insisted upon the great advantage which the French Nation derived from the union of authority in a few hands, the *centralization* of power; now he cried, that *it was time* to restore the administration to the general assembly of the representatives; that *it was time* to replace it in its true focus; that *it was time* to call out into useful action the fertile abilities of all the deputies; always

* This was the place of execution; the metaphor, therefore, this horrible phrase, that translated ferocity into a bon-mot, signified simply, that by multiplying victims the committee had multiplied confiscations, and of course the resources of the revenue.

that *it was time*, a favourite expression, I must observe, of all the orators of the assembly, but which has never been verified, so many delays of doing a little good have continually been renewed.

Would you know more particularly these men of Robespierre, who nevertheless opposed him in the latter days of his authority? Would you know them without perusing the dreadful recital of the crimes in which they took an active part, a part in common with the other members of the supreme committee? read only, in the journal of the debates, an altercation between Collot d'Herbois and Barrere; it was in the sitting of the 17th of September 1793, and they exhibited themselves in a very striking and very original stile of atrocity. I will copy their own words.

Barrere began by complaining of the false reports continually raised by ill-disposed persons:

“ Tell these discontented ones, that if they
“ persevere, we have a revolutionary plan in
“ reserve against them, and that the deserts
“ of Guiana have long called for a popula-
“ tion of conspirators. The committee waits
“ for this measure, which will not long be
“ delayed, to deliver our territory, &c.”

Hear Collot d'Herbois next:

“ I do

" I do not approve," said he, " of this
" transportation that the committee is pre-
" paring; this measure is desired by the
" counter-revolutionists themselves; this pu-
" nishment, instead of terrifying them, gives
" them new hopes. We must not transport,
" we must destroy all the conspirators, and
" bury them in the land of liberty; it is ne-
" cessary that they should be imprisoned;
" that the place of their imprisonment should
" be undermined, and that a lighted match
" should always be ready to blow them up,
" if they or their partisans should dare to make
" any new attempts against the republic.—I
" demand that this plan be put in execution
" throughout the republic."

The language of this *bull-dog* intimidated Barrere: he immediately made an ingenious distinction, by which the honours of atrocity remain with him. Behold the literal copy of the journal of the debates:

" Barerre thinks rightly with Collot d'Her-
" bois, that the conspirators must not be
" spared, and that the sword of the law must
" strike their heads; but he must observe;
" that there are a multitude of suspected per-
" sons who have not yet conspired, but whose
" aristocratical or monarchical opinions may
" *hereafter become* very dangerous." He con-

cluded by demanding the transportation of all those who, since the 10th of August 1792, had not shown themselves attached to a republican government.

The discussion ended here, and the assembly, who did not chuse to decide between the mine and the deserts of Guiana, referred the question to the committee of public safety.

On the following day, however, Collot d'Herbois thought it necessary to justify his project a little better; and to prove its advantage over the plan of Barrere, he observed, that too great a number of vessels would be wanted to transport forty thousand citizens to the deserts of Guiana, which might be employed more profitably during the war.

What a debate! what a controversy! the Corneille of the infernal spirits, if they have one, would find it a rich subject for dramatic dialogue.

Yet these men, and all the associates of Robespierre in that committee, to which we cannot annex the title of *public safety*, without trembling with anger or shame, these sanguinary associates were supported by the assembly in their insolent pretensions to the public esteem. Were they indebted for this favour at first to their hypocritical speeches, or to the support of their numerous friends, or
to

to a habit of fear on the part of men disposed to judge of them without partiality? It can not be decided with certainty, and nothing is more indifferent; but it should not be forgotten, that one deputy, having lifted up his voice against them, was declared a *calumniator* by a decree of the assembly: they furiously demanded proofs of every article of accusation, and all were of public notoriety. Therefore he replied, with reason, that those proofs existed in the bloody waters of the Loire, and in the ruins of Lyons, and in the grave, yet scarcely closed, where so many victims, innocent victims, were heaped together, and in all the crimes that this committee, invested with the supreme authority, had permitted, or had not prevented*. The public opinion; however, soon declared itself loudly; the general cry made itself heard, and forced the assembly to withdraw the veil that it wished to cast over those abuses of power, of which it had so long appeared a tranquil spectator.

A decree of accusation was particularly demanded against the three members of the committee of public safety, whom I have already mentioned. Collot d'Herbois, Billaud Varennes, and Barrere; it was demanded that

* See a printed memorial of the denunciator I have just mentioned, the deputy Le Cointre, of Versailles.

they should be sent before the same tribunal which they had so often employed to execute their horrible vengeance.

They had for their defenders and natural friends all the deputies affiliated to the party of the Jacobins, a party sensibly weakened since the fall of Robespierre, but which was not yet destroyed.

This was undoubtedly the first motive for caution to the national convention; and a second equally weighty, though kept secret, may be referred to a just fear of recrimination on the part of the accused. It could not be doubted, that when driven to their last hold, they would implicate with them the assembly itself: they might have maintained without art, and with irresistible reasoning, that their conduct had been traced by the legislators themselves; they might have quoted the decree against suspected persons; the decree against the enemies of the people; the decree for a revolutionary army; and they might have attempted to prove, that these decrees had encouraged and rendered lawful every kind of proscription; they might have pretended that the silence of the convention, the silence of its orators at the sight of the exterminating system adopted and followed by the committee of public safety, tacitly approved

proved that system; and they might have commented upon the expression of Carrier, who, when he was examined in the midst of the convention, boldly said, that if all the assembly were examined with the same strictness, *the president's bell and his great chair alone could be acquitted.*

These different motives which I have pointed out, and, perhaps, still more, a popular commotion fomented by the Jacobins, determined the assembly to break off the examination of the three great criminals; and to deliver itself from all embarrassment, it decreed their transportation beyond the seas. Such a violation of every kind of principle was not approved; and the far greater part of the nation roused itself against so disgraceful a compromise with justice, the result of fear or of personal interest; yet, during the jarring interests of the moment, and the agitation of the public mind, this measure was not less dangerous. It was wisely remarked by Cardinal de Retz, that there are some situations, in which it is impossible not to commit errors.

Very soon, another change of the wind induced the assembly to repeal its sentence, and decree, that the three criminals should remain in France, and be tried at a distance from Paris; but this second disposition could only apply

to one of the three (Barrere) for the two others were already departed for Guiana. Let us leave them! let us leave them! History will not perhaps regard them; she will wish only to signalize the crimes of the period, and as these will be profusely associated with the memory of their chief, she will suffer the rest of the banditti to be forgotten. The seconds of Robespierre floated for some time afterwards upon the mud, in the fight of men, but they soon perished for ever, and the subalterns, who all with so much confidence expected a place in the annals of the revolution, they likewise, as well as so many others, were deceived. I know not what president of the convention it was, who replied to the foreman of a deputation from the Fauxbourg Antoine, or Saint Antoine, "*France, Europe, the whole universe, know the part which you have taken in the transactions of the 10th of August, and posterity———*." I am ignorant whether the president thought thus, but assuredly the hero of the Fauxbourg went away convinced.

The great victory gained by the convention in the beginning of Prairial (from the 20th to the 23d of May 1795) increased for a time the confidence and the authority of the better party in that assembly: a great discontent existed among those deputies who were by habit
and

and character attached to violent systems; among the Jacobins, who owed their credit to the reign of terror; and among the commanders of the populace, under whatever title. They already trembled at the tardy return of principles of justice; they represented to themselves with fury the fall of their influence, and resolving again to employ the arms of wickedness, they stirred up the rabble of Paris, and a number of workmen too easily deceived; and this multitude, encouraged and led on by unknown chiefs, went with loud cries to demand from the national convention, bread and the constitution of 1793. The mob quickly increased, the clamours augmented, and the doors of the hall of the sittings having been forced, the furious crowd rushed into the midst of the assembly, filled the avenues, and insolently placed themselves upon the seats of the legislators. The greater part of the deputies gradually withdrew, and by thus abandoning their president, gave him an opportunity of distinguishing himself with more glory. He remained surrounded by the ungovernable populace, almost alone, for we cannot reckon as his assistants a small part of the assembly, favourable in secret to the insurrection, and who encouraged it by their looks. These legislators, equally imprudent and treacherous,

soon

soon discovered themselves, and absurdly trusting to the triumph of a giddy mob, proclaimed at its demand several mad decrees, all of which tended to the total dissolution of government, and to re-establish the tyranny of the men of blood. These decrees were presented to the president, M. Boissy d'Anglas, deputy for l'Ardeche, and the madmen imperiously demanded his signature. He refused; they insisted, they threatened him; still he refused: they held daggers to his bosom, and his firmness was not shaken; they threw upon the table, which stood before his chair, the head of one of his comrades, whom a horde of ruffians had just assassinated; they believed him moved, their efforts redoubled, and his resistance was not weakened. Another member of the convention (M. Vernier, deputy for Jura) occupied for a moment the place of M. d'Anglas; they hoped that his age might render him more timid, and the same menaces were ineffectually employed.

In the meantime, the national guards of many of the sections, informed of the danger to which the convention was exposed, put themselves in motion, and conducted by two deputies *, who displayed much firmness, they

* Legendre and Anguis

dispersed,

dispersed, in a few minutes, a multitude assembled without order and without plan, that had lately appeared so formidable. The convention thought it right to proceed with rigour against those deputies who had shown themselves friendly to the insurrection and to the insurgents. Many of them were sent prisoners to a fortress, and seven others tried, and condemned to death. They were made appear before a council of war, on the frivolous pretext that their conduct was the cause or the effect of an armed riot. The convention, always talking of rules and of principles, has never failed to have recourse to despotic measures; and on this occasion, in order to attain its end more speedily, it had the legislators tried by dragoons and hussars.

There had been a previous popular commotion on the 12th of Germinal (April 1st 1795) but it had been easily suppressed; and the convention attributing it to the instigation of many of its own members, suddenly decreed their imprisonment. They were not heard, they were not examined, nor were they sent before any tribunal. Their captivity still continues after eight months have elapsed, and when they wrote to the assembly, the assembly refused to read or to open their letters. The greater part of these men had been formerly

merly connected with Robespierre and with the Jacobins, the nation therefore took no interest in their fate, and perhaps they did not deserve any; but when authority thus makes use of force, when it mocks at all the forms that should protect individual safety with regard to the guilty, can innocence itself be tranquil?

At length another scene is presented; the convention announces that it will complete its own purification, and appoints commissioners, who are to examine the complaints raised against the greater part of the proconsuls sent from that assembly to exercise supreme authority in the departments. These commissioners are heard, and the convention, which had so often passed decrees of accusation upon mere suspicion, now fell into the other extreme, and patiently listened to the most disgraceful details of the conduct of its deputies. It is necessary to go through this scandalous scene in the journal of the debates; it is necessary to read this succession of infamous crimes, which were exposed before an assembly of legislators, and of which many of its members were then declared guilty. Persecutions were enumerated; oppressions of every kind, arbitrary condemnation, levies of money that were never accounted for, and in the
number

number of these crimes, almost wearying by their monotony, there were some of a remarkable meanness, which were denounced to the same tribune from whence war was declared against so many nations.

What a contrast! It is of importance to the train of my reflections, that the principal traits should be pointed out, and I shall literally copy the language of the journal of debates and decrees.

Two legislator deputies, proconsuls in the same department, were accused “of having, in their orgies, disposed of the lives and fortunes of citizens, and of having, when they arose from them, outraged decency.”

One of these was separately reproached with “having made the scaffold a tribune for harangues; of having compelled the citizens to ascend it, during a ceremony, and shed the blood of their relations; and of having burnt the brain of a prisoner in the prisons of Fontenay.”

Another legislator proconsul was accused “of having exposed for four and twenty hours the dead body of an old man, the father of eleven children. This proconsul,” it was added, “was constantly in the taverns, disgracing the national representation by the manner in which he prostituted his character.”

“ racter. One day, in a fit of drunkenness,
 “ he ordered a house to be pulled down be-
 “ cause he saw battlements upon it. One of
 “ the workmen was killed. Well, replied he,
 “ when he was told of it, with a smile, which
 “ the accusers leave to be conceived, is that
 “ all! let the people be made easy. At last
 “ he himself assisted in destroying a well and
 “ a barn.”

There was another legislator præconsul,
 “ who said at Rheims, that the son might kill
 “ his father, and the father his son, if they
 “ were not at the height of the revolution.
 “ In an incursion which he made to Cantal,
 “ he destroyed all the crosses; he snatched a
 “ golden one from the neck of a woman, who
 “ was then suckling a child, and between
 “ two others he had a labourer of fourscore
 “ guillotined. He said at Cahors, that
 “ France would be popular enough with
 “ twelve millions of inhabitants; and to quiet
 “ the apprehensions of famine, which alarmed
 “ the citizens of Cahors, he said to them, in
 “ a full popular assembly, ‘ make yourself
 “ easy, twelve millions of men will be enough
 “ for France, the rest may be killed, and then
 “ you will have no scarcity of provisions’.”

Another legislator was accused “ of having
 “ taken an hundred thousand livres from the

“ port-folio of a fermier-general, whom he
“ had condemned to death.”

Another, “ of having had his mother im-
“ prisoned, that he might make himself
“ master of her personals.”

Another legislator was accused “ of having
“ written the following letter to a popular
“ society : ‘ *You demand a good man, a true*
“ *Jacobin; you have Ingrand; you may do*
“ *every thing with him; you may overthrow*
“ *all, destroy all, denounce all, imprison all,*
“ *banish all, guillotine all.*”

Another legislator proconsul was accused
“ of having committed every kind of excess,
“ and of having, by his atrocious and san-
“ guinary conduct, rekindled the war of La
“ Vendée, and particularly of having preci-
“ pitated into the Loire two thousand men,
“ who had surrendered themselves upon the
“ faith of an amnesty.”

Another legislator was reproached, among
other sanguinary traits, with “ displaying
“ his savage character, by having a little
“ guillotine made, with which he cut off
“ the head of all the poultry served up to his
“ table.”

Another was reproached with boasting,
that “ he wished to drink blood.”

Another was accused “ of being one of
“ the

“ the authors of the massacres of the
“ 2d and 3d of September, and of having
“ signed the circular letter, by which the
“ departments were exhorted to follow
“ the example of that horrible transaction.”

This was the same who was likewise accused
“ of having committed many thefts, among
“ others, of having stolen a gold ring and
“ a rich agate ; whilst he was in the com-
“ mune, of having broken the seals and
“ taken out the valuable effects.”

A legislator and proconsul in a department
“ complained, that he had found too much
“ mildness in the old sanguinary committee
“ of public safety, and wrote that, if the
“ revolutionary government had not tied
“ his hands, he would have made a fine
“ fricassée of aristocrats ; but that they should
“ lose nothing by this delay.”

To conclude, another deputy legislator was
accused “ of having proposed in a popular
“ society, and carried an address to the
“ convention, to demand the death of all
“ the right side of that assembly.” This
was the same man who, at a national sale,
had all the valuable effects carried to his
house at his own price, “ declaring that
“ he would have those persons guillotined
“ who should dare to overbid him.” The

reporter, whilst he refused to recount all the obscenities of which this deputy had been guilty, added however, "He constantly made use of the most indecent language towards women. One day, after having harangued those who were present in terms of the most gross brutality, he exhibited himself naked before all the people; he obliged mothers to bring their daughters to the popular society, where they were always spectators of the most indecent scenes, and where they heard or saw whatever can be conceived most infamous and most atrocious."

I have not annexed the names to this nomenclature of legislators; he who is curious may find them in the journal of the debates; there, perhaps, they will be more lost than in this work, and I do not love to concern myself with the punishment of men, still less when it might reflect upon their families. I have only cited names already famous; and whenever I have made an exception for obscure ones, it has been for an action that might display them honourably, or at least without disgrace.

Many other members of the national convention occupy a place in the report of which I have quoted the principal parts; but enough

has been said, and it has not been my own pen that I have employed in these disgusting transcripts.

Will it be believed that the abominable crimes of a Carrier and of a Lebon could raise themselves, even to a great height, above these horrors? Both of these men perished upon the scaffold, after a trial, of which the dreadful details will remain preserved in the histories of the time.

We may judge, after this, in what rank to place the instigators, or protectors at least, of so many crimes, Robespierre, Marat, Couthon, St. Just, and the others, who have already felt the stroke of divine vengeance.

Behold then the masters who have governed France, who have made her laws, who have formed her spirit and her character! Was there ever a more legitimate cause of failure? and the citizens, who have fled before these sanguinary hordes, it matters not at what period, have been all condemned to lose their property and their lives! What injustice! Finally, and can it be thought of without indignation, these are the men charged with the office of accusations and indictments; men, whose colleagues we have described, and the national convention has

cast out of its bosom; these are the very men who formed the small majority that became the cause and the signal of the death of Louis XVI; yet they continue to talk of *just vengeance*; this is the adopted phrase; and the same tribunal that has declared the iniquity of the judges still values their suffrages.

The convention resolved but slowly to make a public avowal of the scandalous conduct of so many of its members. In the sitting of the 4th of Fructidor (21st of August 1794) at a time when only Robespierre and three of his companions had been proscribed; at a time when the exterminators of so many departments appeared in the assembly, and forty other deputies, distinguished afterwards with horror or with indignation by the legislative body itself; at that time an orator of the assembly expressed himself thus: "It is impossible that we should not all love each other; the picture of this unanimity will be affecting! for myself, I lay no restriction upon my thoughts; I believe that all the members of the convention are pure."—*At these words the whole assembly rose, by a spontaneous movement, and applauded a long time. "We are all pure!"* What an unanimous and reciprocal compli-

ment! And were they so then? and were they so even after the expulsion that was so celebrated? and could they hide from themselves the reproaches which posterity will make them? Posterity will demand more freely than us, if it was not the whole convention that adopted, sometimes with humility, frequently with enthusiasm, the projects of the supreme committee; if it did not dispute with the hireling tribunes the honour of applauding the hypocritical speeches of Robespierre; if it did not rise spontaneously, in sign of respect and admiration, at hearing revolutionary principles, which served as harbingers to ideas and proscriptions the most ferocious; if it was not the whole convention that every day beheld an indefinite number of innocent victims perish, without permitting itself, with all its power, I will not say a remark, but a simple groan! but a simple expression of commiseration and of pity. A direct opposition to the will of a master might have been dangerous; but supplications still remained. I knew a man, first minister of a king, and as proud as you are, who was not ashamed to use this language to obtain the life of a single individual. "Ah Messieurs! (said he) not before you alone, but before the most humble, the most obscure
" of

“ of the citizens of Paris, I bow myself; I
“ cast myself on my knees to demand, that
“ neither to M. de Bezenval, nor to any one,
“ you will exercise a rigour anyways such as
“ has been reported to me. Justice ought to
“ be enlightened, and a sentiment of humanity
“ must always accompany her.”

And in another point more worthy of notice, has it not beheld women, acquitted or spared by the revolutionary tribunal, devote themselves, without hesitation, to certain death, by only reproaching the judges with the condemnation of a son, of a husband, or of a father? Generous victims of a passionate emotion, of an emotion so praiseworthy and so natural, receive the homage which I refuse to the men, who, in their character of representatives of the people, were become the children of the nation, the fathers of their country, and who, forgetful of these dear ties, forgetful of the duties that they impose, maintained a silence, a dreadful silence, at the sight of sacrifices the most impious, at the sight of executions the most barbarous, and in the midst of streams of blood that flowed around them! They are conspirators, aristocrats, enemies of the republic. Behold what was said of these victims in the French senate, that they might be forgotten; that they might be left without defence and without pro-

tection: and yet that senate could not be ignorant that the tribunal of blood, every day more confident in its authority, and every day more prodigal of crimes, had at length learnt to despise even the appearance of doubt, even the formalities of a trial. Your name? your age? These were the questions proposed to the miserable victims who were brought before it, and the infernal assembly limited its business to making a register of death. Such was the audacity of the judges; and at this time Robespierre and his associates had reached that period of the tyranny, when a look, a sign, a word, served as a pretext for prosecution; and they sported so, in their power, with life and death, that habituating themselves to cruelty, and abandoning themselves, without constraint, to their own dispositions, that at last they condemned from passion for revenge, almost to fill a place in the east; and all this passed in the presence, and under the eyes of the legislators of France.

The convention would willingly account for this long forbearance, by the fear inspired by that man whose authority it had itself prepared; and nothing can more clearly prove how much it is ashamed of that conduct; for the acknowledgment of great weakness is painful. But this Robespierre, who
since

since his fall serves as an excuse for every thing, he had rivals in cruelty in the assembly, men who imitated, and sometimes even surpassed him in oppression. A decree of accusation would have been passed against all the seventy-three members, who had secretly signed a protest against the tyranny exercised on the 31st of May, if Robespierre had not declared himself against the measure. Did they wish to, show themselves more cruel than Robespierre, to flatter him, and make him sometimes enjoy the pleasure of greatness of soul?

They exaggerate now the dangers to which they would have been exposed in uniting themselves with the popular indignation, or deciding it by a resolute and noble movement: but some of the deputies were heard, on more than one occasion, to express generous sentiment with safety; they might then safely have risen in a mass to support them; and this was not done. I doubt not, and there are others who well know, that Robespierre himself was astonished at so much weakness; and assuredly, if the assembly had sometimes espoused the cause of humanity before him, it would have exposed itself less than in imitating the resignation of the Roman senators at the arrival of the Gauls, as it had so arrogantly pro-

misfed before-hand. Did you really believe that Robespierre would have decimated you? Representatives of the nation? Do you believe that he would have attempted it, if you had denounced the horrible actions, and the execrable conduct of that tribunal of blood called *revolutionary*? if you had said, in full assembly, a few words upon a subject so serious, upon the arbitrary imprisonment of one or two hundred thousand citizens, and upon the cruelties of every kind executed by the proconsuls in the provinces? Do you believe that Robespierre would have decimated you, if you had named commissioners to enquire into the interior discipline of the prisons? and when you should have learnt the criminal insolence and the abominable tyranny of the jailers of the *concierge* and of the inspectors; when you should have learnt these barbarities, these trains of atrocities, so many wretches might not, perhaps, have been forgotten in their dungeons; so many wretches might not have experienced the horrors of famine, the frenzy of despair and rage inspired by feeble cries and useless groanings; so many wretches might not, perhaps, have been sepulchred alive under those deep vaults that separated their dwelling from the world.

An opportunity of explaining upon these
iniquitous

iniquitous judges, and their shameless conduct, naturally presented itself the day when a deputy made the following motion:

“ I demand that the national convention
“ decree, that the revolutionary tribunal has
“ not ceased to deserve well of its country.”

What answer was made to this proposition? Behold, once more, the literal account recorded in the journal of the sittings.

Another deputy expressed himself thus:
“ Since the revolutionary tribunal never can
“ have lost the *esteem* of good citizens; since
“ *justice* and the most pure zeal for the revo-
“ lution *dictate all its judgments*, I demand
“ the previous question upon the motion
“ of my colleague.” “ *Applauded.*” *Applauded!*
What a word! what a sentence!

I ought to remark here, that neither the seventy-three deputies imprisoned for their protest against the transactions of the 31st of May, nor the deputies then outlawed, were at this time in the assembly; they were not allowed to resume their functions till three months after the 9th of Thermidor, but their places had been partly filled by supplemental members; these reproaches therefore will always apply to an assembly composed of from six to seven hundred deputies; and a small number of honourable exceptions will not
ward

ward off the severe judgment of history and of posterity. The facility with which Robespierre was overthrown makes a strange contrast, even now, with that imaginary bulk which fear attributes to him; and how will it appear at a greater distance? But the duties of the representatives of a people, the duties of men invested with the confidence of a nation, will not change; and it is by this immutable code that men in public life, and the whole conduct of the legislators of France, will be examined.

Was it Robespierre likewise who compelled his colleagues originally to discover themselves in acts of oppression foreign to the great revolutionary measures and policy of the tyrant? It was by their own will that they interpreted the word *emigrant* in its most rigorous sense, and extended its application in a manner the most unjust*; it was by their own

* It was a Coryphæus of the moderate party, of the Gironde party (Buzot), who proposed the decree of the 23d of October, 1792, which proscribed all emigrants without distinction; and it was one of the principal actors in the revolution of the 31st of May (Tallien) who made this equitable observation in vain.

“ I think (said he) that the discussion has been determined
 “ too easily. Under the word *emigrants* you may include wo-
 “ men, and children, and old men, who have been forced by their
 “ relations to quit France. The word emigrants, therefore,
 “ must

own choice that they adopted all the treachery proposed to them to enrich the revenue at the expence of private fortunes ; it was by their own free will, by their own ignorance, that the ruinous system of the assignats was prepared ; it was they themselves, upon the report of one of their colleagues, a stranger to the commanding committee, who sent to the revolutionary tribunal, and consequently to death, forty fermiers-general, forty fathers of families, upon pretexts the most frivolous, upon objections against their accounts, of which a man in the smallest degree conversant with business must in an instant have discovered the malice and the falsehood ; it was by their own will, that, rigorous, always rigorous in the exercise of their power, they drove away from the hospitals, without pensions, without resources, all the religious, who had consumed their lives in relieving the sick, and in comforting the dying ; it was by their

“ must not find a place in this decree ; for it is the fugitive
“ and rebellious Frenchmen who are in arms against their
“ country that you wish to punish, and not the mere emigrants ;
“ you will one day be obliged to establish this distinction. I
“ demand that the word *emigrants* be replaced by ‘ the fugi-
“ tive and rebellious Frenchmen’.” (*Murmurs*).

The members of the convention have frequently changed characters, and opposite opinions of right and wrong have at intervals distinguished the men of different parties.

own taste that they applauded, that they laughed at the recital of insults lavished upon the ministers of religion. And behold the style assumed to amuse them by one of their colleagues, proconsul in a department, and afterwards one of the most zealous accusers of Robespierre and his comrades.

“ Citizen colleagues, sixty-four refractory
“ priests were living together in a large
“ public building in the midst of this town.
“ I was informed of this. I ordered them
“ to be tied two and two, and made them
“ in this manner pass through the town to
“ a house of imprisonment. This new kind
“ of monsters, which had before never been
“ exposed *for the amusement of the people*,
“ produced a good effect, and the cries of
“ *vive la republique*, resounded in the air
“ by the side of *this herd of black cattle*.
“ Inform me of the destination I must give
“ to these *five dozen animals*, whom I have
“ exposed for the *public amusement*. The
“ *comedians* of the guards were charged to
“ escort them.”

It was not Robespierre, he who so ostentatiously came forwards to burn the emblem of atheism; it was not Robespierre that enjoined the representatives of the nation to assemble in the metropolitan church, there to consecrate

consecrate the public worship of reason, and to be present at the triumphal pomp of that profane inauguration; it was not he who commanded the convention so tumultuously to welcome the bishop of Paris and all his clergy, when they presented themselves in form, in the midst of the French senate, to renounce their faith, to throw off their sacerdotal office, and break their religious vows in the most conspicuous manner; it was not he, it was not Robespierre, who enjoined the convention to grant the honours of the sitting, and give the fraternal kiss to a swarm of school boys, who came to repeat their blasphemies, and to display a presumptuous indifference and a ridiculous contempt for the opinions of their fathers; the scandalous scene of the 30th of Brumaire (November 20th, 1793) was not ordered by Robespierre, when the section of l'Unité came to swear before the convention, to acknowledge no worship but that of reason, no deity but liberty. *We swear it, we swear it, was clamoured from all parts, and the hall re-echoed with applauses.*

Robespierre indeed preserved a kind of decency in his conduct and morals; it was not therefore to please him that so many of the legislators affected a contempt for all decorum:

I doubt

I doubt whether he would have encouraged them to decree, as they often did, *the honours of the bulletin* to so many indecent letters, and in particular to this, signed by two of their colleagues then on a mission in the provinces.

“ Behold, citizens our colleagues, another
“ great moral triumph, not over ecclesiastical
“ mummeries, for they no longer exist in this
“ country, but over a prejudice not less deeply
“ rooted. We have formed a revolutionary
“ tribunal here upon the model of that at
“ Paris, and we have ourselves nominated all
“ the members, except him who must close
“ the proceedings, *the guillottiner*. We
“ wished to leave the patriots of Rochefort *the*
“ *glory* of freely showing themselves the aven-
“ gers of the republic.” Here followed the
account of a dispute in the popular society for
the preference. The deputies continue: “ We
“ have proclaimed the patriot Ance *guillottiner*,
“ and invited him to *dine with us* to receive
“ his commission, *and pour out a libation* in
“ honour of the republic. We expect that
“ the judges themselves will in a few days
“ give this practical proof of the patriotism,
“ which has made him rise so much above
“ these prejudices, which it has always been
“ the interest of kings and tyrants to support,
“ to

“ to nourish all the social inequalities upon
“ which their power is established.”

How often has the national convention, when left entirely to itself, excited, by its applauses, similar insults to the old sentiments of honour, and to principles of morality respected by all nations? It is true, the cognizance of great crimes, and the circumstantial detail of acts of oppression and barbarity, were reserved for the committee of public safety, and for Robespierre in particular; but were not the correspondence of the deputies with their departments, and the general clamour and the universal indignation enough to instruct and to awaken the convention? If the atrocious crimes committed in so many towns and provinces of France were not minutely described, strong traits of them, at least, were announced in the national assembly, long before the fall of Robespierre: then indeed silence was observed. Did not Collot d'Herbois himself, in a speech which he delivered from the tribune, after his return from Lyons, address his colleagues in words expressing his full confidence in their revolutionary feelings and thoughts. He gave them an account of his sanguinary mission, and said, “ your commissioners believed it possible to destroy all the condemned conspirators in one day. *Which of you,*
“ citizens, in the place of your colleagues,
“ would

“ would not have wished to hold the light-
“ ning to annihilate then all at a single stroke?
“ *which of you*, but would have wished to give
“ such a movement to the scythe of death that
“ it might mow then down all at once?”

And the lie was not given to this Collot, so convinced of the barbarity of all the senators his colleagues; he was not contradicted, he was not interrupted; from the height of the public tribune, he tranquilly abandoned himself to all the impure licentiousness of his oratory.

No, it is not in the mass that the national convention can defend itself. It will attempt this in vain, whether by connecting itself with Robespierre, or separating itself from him; and the men of whom that assembly is composed must necessarily look to their individual fortunes before the tribunal of public opinion.

However, and it is time to remark it, the fall of Robespierre became the signal of a new system. The public fixed their attention upon the dreadful assemblage of so many crimes ordained or committed in the name of the supreme authority; they ventured to speak of them, they ventured to describe them, and the indignation so long compressed at length exploded. Even the lowest classes of the people
appeared

appeared to partake of these sentiments; and the condemnation of a system of ferocity, detested by all Europe, was as sudden as it was striking. The prisons were opened; hope revived there; and several deputies honourably distinguished themselves by the zeal with which they became the intercessors for oppressed innocence. The revolutionary tribunal survived this commotion; but its constitution was modified; human beings were substituted in the place of those judges and juries who had clad themselves in the skin of the tyger, and the sentences of the tribunal assumed a new character. The convention, by a laudable shame, cast upon one man, who was now no more, all the tyrannical oppressions, and sanguinary barbarities, of which the different orders of citizens had so long been the sport and the miserable victims: and if the nation, by an entire confidence, had encouraged this kind of repentance, if it had been able, if it had been willing to have encouraged it, the desire of public esteem might perhaps have succeeded in the French senate to those passions that had governed it till then. This is not an exaggeration, the public esteem, supported by the attractions of novelty, would have become to men the least prepared for its enjoyment, an object of pursuit and of desire: and at first every thing appeared to an-

nounce so fortunate a revolution. But reproaches for the past were hastily annexed to the encomiums on the 9th of Thermidor; and too great a number of deputies, uncertain of being admitted to a lasting share of the honours promised to a marked reformation, kept themselves back; or if they hesitated, soon relapsed to their old opinions, and fell again under the yoke of their character.

The assembly in its progress felt these different impulses, and in the midst of reparations the most meritorious, it frequently returned to its old spirit of injustice or of rigour. Still openly professing maxims of tyranny, it has never displayed that fulness of morality which attracts and gives security for confidence. It has renounced the confiscations decreed by a sanguinary tribunal; it has restored the property of the condemned to their families; but it has wished to take away their patrimony from the relations of emigrants, in the name of the future rights of their children and grand-children. Admirably had it conducted the war by its committees; but it has taken no notice of the unbounded peculations that have drained the resources of the public treasure: it has destroyed the law of the maximum; but when that measure had sunk the value of assignats, by an unparalleled fall, it gave no attention to

the miserable situation, to the dreadful distress of the annuitants and other creditors of the state. Ah! never an emotion of pity, at least never one that availed! And Quiberon! Quiberon! that name which recalls with victory the judicial massacre of so many prisoners; which recalls with victory that calm vengeance, when the number of victims was uncalculated, and even now remains unknown.

O you whom I have already named, HENRY! when you governed France, even at the very time when you contended for your crown against usurpers, against enemies without pity, you feared to shed the blood of your fellow-citizens, even on the field of victory; yes, when the leaguers, combined with the troops of Spain, gave way before your triumphant soldiers at the battle of Ivry, you ran through the ranks, repeating, "*Spare the French! Spare the French!*" And in the fullness of your authority, it was with your own hand that you wrote these words, "*God has given me my subjects to guard as my children.*"

—O HENRY! good HENRY! let thy venerable shade pardon me, that I have permitted myself to call upon thee in the midst of the dreadful spectacle, whose melancholy detail I have rapidly passed over! But in speaking of the tyranny, the image of a humane hero, of a benevolent and generous prince, suddenly

appeared to me ; I believe that I distinguished it at the other extremity of the scene, and my respectful attention was arrested before it.

At length, and it must not be forgotten that this was four months after the fall of Robespierre, four months after the 9th of Thermidor, an orator of the committee of general safety was peaceably heard, in the midst of the convention, when, eager to repulse a terrible injury done to that committee by the journalists, he expressed himself in the following terms.

“ I come (said he) in the name of the
“ committee of general safety, to give the lie,
“ in the most formal manner, to the calum-
“ nious and royalist account inserted some
“ days since in the public journals, and re-
“ peated with a kind of solicitude at least re-
“ prehensible. The committee is there re-
“ presented as having appointed tutors to the
“ children of Capet confined in the Temple,
“ and of having extended its almost paternal
“ cares to watching over their existence and
“ their education.”

The orator then entered upon the subject, and concluded thus: “ By this account it may
“ be seen, that the committee of general
“ safety had nothing in view, but the dis-
“ charge of an office committed to their vi-
“ gilance ; that it has been *a stranger to every*
“ *idea*

“ *idea of meliorating the captivity of the children of Capet, or of appointing them instructors.* The committees and the convention know how to strike off the heads of kings; but they know not how to educate their children.”

Behold what was said in the national assembly, the 13th of Frimaire, the third year of the republic; behold what was listened to patiently.

This child is dead, the principal object, without doubt, of the singular justification of the committee of general safety. He had only time enough to perceive the first glimmering of his high fortune, to make him feel more cruelly his fall; to make him suffer with astonishment the debasement, the rigour, the inhuman treatment to which his innocent life was subjected. He had not to alleviate his pains the consolations of a fond father, nor the tender caresses of an idolizing mother. He found himself alone in the midst of his tears and complaints; and the regards of pity, the last support of the most abject of mortals, of the most abandoned, and of the most miserable, were taken away from him.

Alas! will it be believed, that the severity exercised towards an unhappy prince was continually increasing; and that, latterly, his brutal guards knocked many times, during the night,

at the door of the apartment in which he was confined, and cried with a voice of thunder, "CAPET! are you there?" at which the young LOUIS rose up, and answered distinctly, "Yes, here I am." What can imagination add to this refinement of barbarity? or does it not include in itself every species of barbarity? Ah! let us represent to ourselves, not our own offspring, for that idea would be insupportable, nor yet the last remains of an unfortunate family, but some chance child at an age of weakness and of innocence; let us behold him in a prison, without friends, and without protectors; he has had no time to make any reflections upon life; he knows not, in the midst of his sorrows, that there is a deliverance appointed by nature; he has only a confused notion of death, and of the means that may accelerate it; and, perhaps, the idea of time, and sufferance without end, mingles itself with his griefs, and accompanies them. Alas! he asks himself if he has committed any evil, and he cannot reply. O dreadful abyss! a void which we can neither measure nor conceive! An unfortunate princess has alone escaped the fate of her august family. Her titles to the interest of the French nation would perhaps only have procured her a long captivity; but they fixed a price upon what was due to her in the names of justice and of humanity;

humanity; and a foreign monarch, faithful to the ties of blood, hesitated not to subscribe the conditions that were proposed to him*. And was there not likewise a tie of kindred, of affiliation, in the connection of the French people with the ancient race of the BOURBONS and the CAPETS? But this sentiment must be rejected, must be mocked at by men unjust enough or blind enough to reproach the kings of the house of France, because they have not all been endowed with qualities of which Nature alone is the dispenser. Yet they themselves, these severe judges, these seven hundred and fifty, the result not of the mere chance of birth, but of election and of scrutiny; these, who have not been charged with the cares of government at thirteen years of age, how many great men have they given to History? And will impartial Europe search among them for the elements fit to form a LOUIS IX. a LOUIS XII. a HENRY IV. still less a CHARLEMAGNE?

Yes, the daughter of so many kings has,

* I mean not to say that the demand made by the national convention, of the liberty of its deputies imprisoned in Austria, was not perfectly just, and the interest which they took infinitely laudable; but it is not less true, that the deliverance of the princess depended upon the affection of a cousin-german, when it ought to have been decided by the morality of a government, and by the duties of a people.

to use the word, been bought ; and when she departed from France, they gave her, they adjudged her no part in the heritage and in the patrimony of her fathers. LOUIS XVI. had, on the eve of his death, recommended his servants to the French nation, but, from a sentiment of greatness, he was silent respecting his family ; and the convention in a decree passed on that memorable day, had itself contracted the engagement of *taking care* of the children of the last king of France. Has it kept its word ? O God, it has kept it !

This decree is remarkable, as it serves to paint the spirit, the taste and delicateness of sentiment of the conventional deputies. It was destined, say they, to console the last moments of an unfortunate prince, and it assumed the tone and the language of an insulting generosity *. But through the whole course of the revolution, there appears a constant attempt to substitute ideas of composition and factitious principles for simple duties and natural sentiments.

* “ The national convention authorizes the executive council to reply to LOUIS, that the French nation, as great in its beneficence as it is rigorous in its justice, will take care of his family, and provide for it a suitable fate.”

Observe, that the word *reply* was an insult ; for the king had asked nothing which related to his family.

But

But the convention proceeds to acquit itself for every thing towards the French nation ; it proceeds to absolve itself in the memory of mankind ; it has undertaken, it has completed the constitution which the nation will receive from its hands ; the glory that environs this work will hide with its splendour the errors and the faults with which ill-informed posterity might reproach the convention. Time will decide this, and I willingly leave this chance to the legislators of France. For my own part, I do not believe that genius can ever redeem immorality. Here is genius, then ! I come to it very shortly. We will appreciate it, we will attempt to measure its height in examining the new constitution ; and I already doubt, that to take its dimensions, we shall neither be obliged to strain the compass, or place the telescope perpendicular.

We must first, however, accompany the national convention to the end of its authority, the epoch which we have chosen to conclude the historical part of this work.

SECTION III.

*Presentation of the Constitutional Act to the
Primary Assemblies.*

*Insurrection of the Sections of Paris, Vendé-
maire 13th (October 5th 1795).*

[End of the Historical Part of this Work.]

THE last days of the reign of an assembly for ever famous in the history of the revolution, were marked by new misfortunes ; and it is still with regret the most afflicting that we preserve the memory of so fatal a catastrophe.

The national convention, after having finished its political course, was employed in the formation of two councils, destined to exercise the legislative functions. It was undoubtedly of importance to the success of the constitution, that it should in its commencement be supported by real friends ; nor could better ones be found than its first parents.

But the number of old deputies, admissible of right to the new legislative body, should have been regulated with discretion. The
public

public mind demanded this. But the convention, aware of the weight of the reproaches which might be made against it, wished to continue in power a sufficient number of its members to cover its retreat. It determined, then, after some debates, to preserve two-thirds of seats in the approaching assembly, and to leave the other for the new members. This was the lion's partition; but in a year, another portion of the conventional deputies would have retired; and in two, the remainder; so that, according to all appearance, there could have been no marked opposition to this arrangement, if the convention had enjoyed the public esteem. But the public were fearful of the continuance of power, in the hands of the same men who had suffered so much blood to be shed, who had exercised such tyranny, who had destroyed so many fortunes, and who had so long laughed at all the principles of morality. The chiefs, indeed, existed no longer, but many of the lieutenants existed, and sub-lieutenants, and all the patient witnesses of the most horrible atrocities. The whole convention had likewise to account for the issuing of assignats, and for the ruin of the finances, and this account could not be expected whilst the devastators themselves held

held the principal authority. These were powerful considerations; they were such, at least, at the tribunal of reason; but the more force these possessed, the more did the convention find itself warned to remain upon its guard, and struggle obstinately to obtain, in the formation of a new legislature, a superiority of suffrages useful for its safety. We must not therefore attribute as a crime to the convention a project so natural, but all the acts of its government, which had rendered that project necessary.

Nothing is so progressive as the development of tyranny: the first step draws on a second, the second many others; and when once acts of oppression are become the safeguard of the tyrant, when they serve to calm his inquietude, all hopes of liberty are lost. If, as in Turkey, the use of arbitrary power is avowed, the authority declaredly absolute, the despotism open, the yoke will then be borne with more resignation; but the tyranny of a popular assembly must always necessarily be attended with hypocrisy; and in this manner it offends, it wounds in every sense. The convention exhibits a great example of this truth, and I have no need to remark the habitual contrast between its actions and its maxims; between its de-
crees

crees and its professions of faith. It has made use of language at its pleasure, to assist in making itself appear what it was not, and to adjust the most iniquitous decrees to morality.

You may, perhaps, think that these reflections are foreign to the subject from whence they spring, to the question of the election and re-election of the third and the two-thirds : you deceive yourselves. It should seem, indeed, that measures of this nature, exposed to the observation of the world, ought to be treated with simplicity. But it is by feints and stratagems that the convention proceeded ; and this treacherous manner, increasing the general discontent, produced the terrible explosion, of which so great a number of the citizens of Paris became the victims. The convention adjudged to itself, by a decree, two-thirds of the seats in the new legislative councils, and yet announced, that it wished and ought to submit this decree to the sanction of the people, collected in the primary assemblies. It addressed it in fact to these assemblies through the medium of the departments, and no doubt these departments executed their commission faithfully. Yet we learn with surprize, from the notification of

of the convention, that on the same day when 958,226 citizens gave their votes upon the constitutional code, only 270,358 declared themselves for or against the decree of the two-thirds, although that decree had been presented to them at the same time. The total silence of so great a number of the primary assemblies, upon a question which was the common interest of all, was a singular particularity, and ought to have been explained by the national convention. This it did not do; and thus giving scope for every kind of suspicion, it was asked "Has not the convention neglected, has it not avoided to instruct the primary assemblies in the nature of the questions submitted to their decision? Have not the authorities, in connivance with the secret intentions of the convention, led the primary assemblies to consider the decree of the two-thirds, artfully connected with the constitutional charter, as necessarily dependant upon that charter?—Why has not the convention circulated the process-verbals of the primary assemblies through the departments? Why has it demanded that they should be addressed immediately to itself? and why has it reserved exclusively to itself the investigation of those pieces? Ought it not, in an affair of which it was a formal party, to have added

added notables to the verifiers which it had chosen all from its own body? Was not this an indispensable measure to secure confidence? And if it is true, as has been publicly asserted, that its committee of verification has held as void all the process-verbals in which the number of the voters was not specified, have we not a right to demand of the convention the motive or the principle of that jurisprudence? Above all, have we not this right, when this singular jurisdiction serves to set aside thirty-three process-verbals of the primary assemblies of Paris, in which it was expressed by the word *unanimous*? Does not an irregularity so striking, and so openly objected to the committee of verification, demand redress? Does it not at least demand an explanation? It has been announced, indeed, that the process-verbals of the primary assemblies are about to be published, and that several presses are now busily employed upon them; but nothing has appeared, and this is as yet only an empty promise. When the primary assemblies of Paris wished to present their complaints to the convention, could it refuse to hear them without an open abuse of authority? The convention, to justify this act of despotism, cites an article of the new constitution,

constitution, which prohibits petitions signed by numbers of people; but a law relative to a future ordinance cannot apply to an antecedent time, cannot controul those mutual rights which form the basis of the fabric of government. To what will not such a system lead? What authority would not have the means of rendering itself eternal, by conforming to the measures taken by the convention? To collect the votes by ballot, and count them itself; to reserve to itself the power of explaining what was not understood; to reject as illegal all the collective representations, and consider as suspected all persons who allowed themselves to attack openly their system of arithmetic; this is undoubtedly an union of measures sufficient to establish for ever the most arbitrary power.

A dexterity of which I have not yet spoken, was, after this, displayed by the legislators of France. They wished, in preserving the two-thirds of the seats in the new councils, to chuse themselves that portion of their own body, to whom this prorogation of their authority should be granted. This was their intention; but they endeavoured to conceal this, and expressed themselves in these terms.

Article VI. "If the result of the votes
of

“ of all the electoral assemblies should prove
“ insufficient for the re-election of five hundred
“ members of the convention, that number
“ shall be filled up by those who may have
“ been re-chosen by itself to compose the two-
“ thirds of the legislative body.”

Observe the artifice of this decree. The primary assemblies would, for the most part, refuse to nominate a second time their own deputies, of whom they had too much cause to complain; and yet they knew nothing of any other deputies to the convention, except the small number of speakers whose abilities had been honourably distinguished in the public papers. Thus the chief suffrages of the electors would go in the same circle, and the national convention, which apparently took upon itself only to collect the votes of the primary assemblies, and to complete their elections, would have the greater part of the nominations to itself.

The convention, to preserve a decisive authority in the new councils, has joined artifice to oppression; and in this manner it has made its measures and its policy detested equally, or more, than its ambition. It was enough for the French to support that ambition; it was enough to be compelled to receive laws, yet longer, from men

disgraced in the public opinion ; it was needless to add to this hard condition, every kind of mockery and of derision which could wound their vanity and prolong its irritation. Never will deceit, even when most ably conducted, be of durable service in public affairs. Every trick is useless when the broad day illuminates the theatre ; upon the lofty pedestal of authority no hypocrisy can impose, no deceit can remain undetected.

The Parisians, nearer witnesses of the artful measures employed by the convention to preserve its authority, and nearer witnesses likewise of all the acts of oppression exercised by that assembly during the long continuance of its reign ; the Parisians, rendered furious by so many grievous reflections, could not bear the new triumph which their oppressors had contrived for themselves, by reserving two-thirds of the seats in the new legislature ; and this irritation was at its height, when they saw the convention gather together all the inferior agents of Robespierre. These men of blood, these ministers of terror, had been some imprisoned, others dispersed, at the time of the revolution of the 9th of Thermidor ; at that time, when the national convention, vowing hatred to the wicked in its speeches, appeared
to

to have changed its nature. But this metamorphosis was never complete; and frequently, with its moderate men and its language of goodness, it reminded us by its antics of one of the most ingenious fables of Fontaine.

The convention observed no bounds, when it saw the primary assemblies of Paris rouse themselves, with one accord, against the decree *of the two-thirds*; that law, the preserver of its beloved authority. The convention then lavished its caresses upon men, whom the revolution of the 9th of Thermidor had driven away; upon men become detestable to all France, under the name of *terrorists*: and the convention, calling them around as its defenders and friends, invested them with the title of the *patriots of 1789*; a new artifice invented, to be added to so many others; for as all Paris had taken part in the revolution of 1789, the primary assemblies were the patriots of that period; and these chosen men, destined to second the sanguinary despotism of Robespierre, these men, who in our days escaped the vengeance of the laws, were then obscurely scattered among the inhabitants of France, and the vagabonds of Europe.

The renewal of the alliance, which the convention had just contracted with the former supporters of an odious tyranny, ought cer-

tainly to have increased the alarm of the Parisians; but it should likewise have warned them to redouble their caution. They, however, heard only the sentiments of ardent indignation, and in their despair hastily adopted the most ill-concerted measures. They gave themselves up to false hopes, and reciprocally animating each other, assumed a hostile appearance, before they had time themselves to understand their design. They perceived neither the weakness of their own resources, nor the force of an established authority. They knew not that, in a time of calamity, new hazards are always to be dreaded, and that then, above all things, the existence of a government must be desired. They reflected not that a precipitate insurrection, for which the public opinion has not prepared the way, must occasion the greatest trouble, even if successful. Besides, and this is a general observation, men of a ferocious character alone can hope to be masters of all, when they have seized the central administration; for they have at their service every kind of tyranny, and every kind of crime, to subject the whole of a country to the revolution which they have effected in the chief offices of government. But confederacies composed of honest men, and formed by a spirit of morality,

I

lity, are never sure of any thing after they have placed the chief authority in new hands. Unable to resolve to multiply acts of violence, their enterprise, after a brilliant success, remains exposed to infinite obstacles and resistance. Thus, whilst men, hardened by wickedness, can succeed in a revolution by going from the center to the circumference, men actuated by estimable motives must adopt a contrary system; they must suffer opinion to act, and discover oppression, before they attack it in its focus.

The Parisians, whilst they obeyed a just resentment, overstept the bounds which wisdom would have prescribed them. They discovered to the convention the numbers of their enemies, and taught them not to fear them. This was doubly attaching them to their system; but how can we address reproaches to men, who have been so severely the victims of their blind confidence. A small number only of the sections assembled; they had no powder, no artillery, no leaders; they knew not what they desired; they knew not how they ought to proceed; and the batteries charged with old iron, and pointed against this disorderly multitude, crowded together in the streets, destroyed, in a few moments, from two to three thousand citizens.

They are royalists, said the convention tranquilly, to save itself from regret; and it held the same language to the troops of the line to animate their violence. It has always been the great art of popular leaders to make use of certain phrases, to rouse suspicions, and direct indignation at the will of their policy. The sections of Paris accepted, without any reserve, the republican constitution which was presented to them, and at the same time they all unanimously rejected a decree, which secured to men, with whom they were dissatisfied, two-thirds of the seats in the new legislative councils. This double resolution discovers to an impartial observer, on the one part, the attachment or the resignation of the Parisians to the republic; on the other, their repugnance to continue the authority of the greater part of the convention. Where is the royalism in all this? It may be possible to love the republic and hate its chiefs, as it is to love monarchy and hate a monarch*.

Arrogant

* It was the section of Le Pelletier that the convention principally accused of royalist sentiments, at the time of the insurrection of Vendemiaire. But it is remarkable, that this same section was one of the first that hastened, in Prairial, to deliver the convention, then under the oppression of a furious populace: and when success had crowned its zeal, and it appeared in triumph at the bar of the assembly, the president was lavish of thanks, and vaunted of its attachment to the republic; and the whole

Arrogant infatuation of the convention, to imagine and believe that none but royalists can refuse to admire and love it! But it is the convention itself that has displayed itself a royalist, and a royalist in the extreme, by making the republican system detested by its despotism, by its tyranny, and by all the persecutions that inspire a dread at the very thought of its authority: and the more it repeats, that its government is republican, the more must one be desirous of a different name. What! it has always said, I take away your substance, and I will take it away; I banish you, and I will continue to banish you; I kill you, and I will kill you, if you do not love the republic; and never has it done any thing to render that republic amiable. Certainly, if there is a guardian genius of democracy, and if he lives in a good place, it is with the convention that he must be superlatively discontented. I believe it; he must harbour revenge; he cannot pardon it; for having rendered him at once odious and ridicu-

whole assembly, after loading with applause the speech of the orator, ordered it to be printed at the public expence.

Thus, according to the politic interpretation of the convention, the section of Le Pelletier, and many others, republican as they were in Prairial, had become royalists in Vendemiaire. Four months is but a short time for such a metamorphosis!

lous, for having thus disgraced his rites and discouraged his adorers.

At the moment when I trace these lines, the convention approaches its end; may its spirit perish with its name, and not be continued with the individuals in the new government! What a piece of knowledge to men full of confidence in their own reputation, if, as there is reason to presume, the electors of the different departments, forced to make two-thirds of their nominations among the old deputies to the convention, should have chosen, without collusion, the same candidates! If a few names only should have appeared from the urn, the depository of their suffrages, of their sentiments of esteem; if a few only should have been chosen! will they still assert that royalism has done this? This would be to sacrifice the credit of the republic to their own self-love, and to wish to save their vanity at the expence of the faith which they profess.

No: it is better to acknowledge a great, a consoling truth, that, in the midst of France, sullied by so many crimes, the general spirit is still good; that the cause of morality is not abandoned; and we may remark with pleasure, with hope, that it is, above all, defended by the young. Ah! this cause is lovely in their hands!

hands! Is it a beneficent God who deigns to commit to a new soil the salutary seeds that madmen have scattered on the wind? Yes! it is the young, the next inheritors of the land that we are about to quit, who must re-establish obedience and ancient science; it is they who shall again establish in honour the principles which the imprudent economists have discredited; it is they who may hereafter say to their children—We entered the world amid the dissolution of all the elements of social order, amid the ruins of all the virtues, and the edifice which we leave to you we erected upon these ruins; love then and cherish the principles of order, of justice, and of morality, after fatal experience has demonstrated the horrible effects of opposite rules. These principles have been exposed to the most violent of shocks; they have been exposed to the subversive movements of a revolution in opinions and minds without example; they have remained firm in the midst of the universe, and though bent for a moment, they have recovered themselves with new force. Honour them now with a respect that shall have no end, and never attempt to substitute to their eternal empire the ephemeral reign of foolish passions, criminal maxims, and insolent philosophy.

Such

Such is the language which I love to attribute, in imagination, to the youth of this period, to the generation that approaches. Ah! may the days come when France may glory in all her children; when she may confidently display them to the eyes of the universe, not only in battles, but in the long course of life, where virtue will be necessary for happiness; where morals will be necessary; and mild and peaceable sentiments; where they must deserve to love and to be beloved; in that long course of life, where, for the common safety and for the advantage of all, there must be emulation without enmity, and liberty without disorder. Even now it is the public mind that must principally be acted upon, and let us not forget that this is never of itself perverted. It has been depraved by the obstinate perseverance of men, who have wished to make it the instrument of their ambition; it has found itself surrounded and penetrated by perfidious teachers, who have laboured to lead it astray, with more activity than ever was exercised to enlighten and perfect the human race. The greater part of men, from the nature of their education, possess such feeble powers of reflection, out of the circle of their daily interests, that we cannot without danger shake their habitual sentiments.

This

This truth ought to present itself the first to an assembly of legislators; and yet what they have most laboured at, has been to take away from the people that luminous instinct that had in all times served them as a guide. They were left at once without an internal warning, without conscience, and the wicked and the ambitious easily took possession of a place thus left without a guard. We have seen men of reputation, men accustomed to exercise an empire over the legislators themselves, take their posts in the lowest ranks of society to bewilder the multitude, to associate them with their own temerity, to intoxicate them with their own delirium. They talked to them unceasingly of their rights; they surrounded their feeble understandings with all the confusion of politics; how then was it possible not to have been successful? We may therefore dispute the severe judgment of Europe, that at sight of all the horrors of which France has been the theatre, permits itself to attribute them to a particular character, and to an innate wickedness in so large a portion of a great people. God preserve other nations from ever learning by experience the extravagant madness of which the men of every country are susceptible, when they are no longer restrained by any tie; when the social machine has received

ceived so violent a shock that no one knows where he is, or beholds the same objects, or can trust himself to his old opinions. Every thing, perhaps, will change, if the government should become better; if the government should become settled, and cease to sport with the weakness of mankind. Why reject this thought, so necessary! Alas! let us search for hope, since remembrances destroy us; let us run to the future, since the present is barren of consolation to us! And you who may guide the judgment of posterity; you who so often determine it for ever; historians, suspend your recital, that you may alleviate its impression by recording regeneration and repentance! at least, finish not your tablet, till you may paint the first dawn of the morning in the distance of that dreadful night. The mournful shade of the last king of the French will forgive you this artifice. What do I say? he perhaps demands it of you! The innocent victim, whom you would avenge, is in possession of another country; he has found that justice which was denied him on earth, and with a look of goodness he seems to invite you to moderation; he seems to exclaim "Stay! stay!—the French are still mine—speak of their courage, speak of their valour, and cast, if you can, a veil over the actions which have sullied their glory, and

and tarnished the splendour of their triumphs."

SECTION IV.

The Republican Constitution of 1795.

IF we were not filled with a gloomy sadness at sight of all the crimes that have sullied the French revolution, and if we could observe the progress of that revolution with any other sentiment, how many scenes of vanity might we perceive, that deserve to fix for a moment the attention of a moralist: many of them were scenes of bitterness and irritation, many were ridiculous; but those that were serious, were the best of their kind.

We might preserve the remembrance of the pompous inauguration of the constitution of 1791, of the reverence lavished upon it, of the promises to be for ever faithful, exalted homages, different tributes, which were so soon followed by the most complete contempt, and the most insulting raillery.

We

We might recollect, perhaps, the brilliant annunciation of a first republican constitution, prepared in vain by the Coryphæuses of the Gironde party, which promised equality, order, and liberty, in the highest degree of perfection, *provided*, said the reporter in concluding, *that it meets with people friendly to the laws, and citizens obedient to the voice of reason.* This was to answer for a bill of exchange, on condition that it was paid. We might likewise recal to remembrance all that was said in the national convention, and repeated without, upon the famous constitution of 1793, approved unanimously then, and as unanimously rejected in 1795: different instances of the universal enthusiasm were communicated to the assembly, and the minister of the interior came gravely to report, that the inhabitants of Angoulême, *on the arrival of the constitutional act, had embraced both the man and the horse who brought it*; and that at an exchange of prisoners, the mayor of Landeau had sent a copy of the constitution to the Prussian aide-de-camp, *who appeared very much satisfied.*

We should not forget that the constitution of 1793 was placed in the archives, with the account of the votes, consecrated by a full and entire approbation, by an unreserved applause,

plause, and that that instant was called *the most important epoch of the human race*; that, on the arrival of this constitution in the holy place, the constitution of 1791 was expelled; and that the conqueror itself was driven out at the appearance of the constitution of 1795, somewhat in the same manner as the heroes of the last year have been turned out of the Pantheon, to make room for the heroes of the day.

Time will finish the history of these constitutions, which at such short intervals have supplanted each other, to the number of four in less than five years. These are all as yet —the future is unknown.

We might perhaps remark, we might even wish to preserve the discourses, always similar, which the new manufacturers addressed to their predecessors. They have not seen, said they, they have not perceived, they have not regarded, they have not remarked ——. And what then? that which we see, that which we perceive, that which we regard, that which we remark, that which we discover, that into which we alone have known how to penetrate. Very good; but after these last enlightened men, will there not come others who will express themselves in the same tone? All these political manufacturers have followed so closely

closely one upon the other, that it is difficult to give credit to the gradual superiority of knowledge, and the immense distinction of genius, of which each of them, when we look back, presents us with the account. See how the legislators of 1791 have been treated by the parents of the first constitution of 1793, of which M. de Condorcet was the reporter; see how these themselves were abused by the authors of the constitution published the same year, under the reign of the new masters; see, finally, how all have been declared block-heads in legislation by the sages of 1795. Such is the last decree. The belief, therefore, under which we ought all to live at this moment, is, that all the makers of constitutions anterior to the creators of the new French government, anterior to the committee of eleven, had not common sense; and since the constitution of England, the constitution of America, and the systems of Solon, of Minos, and of Lycurgus, are placed in the same subaltern rank, every body must agree, that the glory of those who triumph is difficult to be kept up.

The convention had named eleven of its members to labour together in the formation of a new plan of government; the choice was well made; and we should show ourselves unjust,

unjust, if, to depreciate the genius or the abilities of these commissioners, we compared the result of their labours to the master-piece of the English constitution, or to the wise institutions of the Americans. They were not at liberty to chuse, as the result of their meditations, either a limited monarchy, or a federal republic. These exceptions were made; they were formidably supported; and the commissioners of the convention, even if they had wished it, could not have gone beyond them. It is in this point of view, therefore, that we must judge of their work. And as they were obliged to give to a nation of twenty-five millions an indivisible government, without admitting any gradation of ranks, without altering the principle of absolute equality, I do not believe that they could possibly imagine or invent any political organization capable of resisting the social movement and the attacks of time.

This peculiar situation of the commission of eleven must make us temperate and reserved in our censures; and, above all, we must acknowledge the merit of men, who, in the midst of tempests, and in the neighbourhood, as we may say, of the most tyrannical ideas, have proposed, supported, and made to be adopted, a plan of a constitution, in which

the division of the legislative power into two houses appears to secure the French government from those hasty, arbitrary, and frequently ferocious resolutions, that have characterised the reign of the national convention.

After rendering this justice to the *elaborators* of the last constitution, I shall with more confidence present a few reflections upon their work: and before-hand, I willingly say with them, that art is difficult, and criticism easy.

The constitution of 1795, like all the others, has its declaration of rights, and we must hope that, for the future, some account will be made of it; but hitherto these declarations have only established a parade of words, as vain as hypocritical. There is not an article in the declaration of rights of 1793, which has not been openly and scandalously violated. On the one hand, the finest sentences upon liberty, security, and property; on the other, every kind of injustice, every kind of iniquity, every kind of oppression. The contrast would be too obvious: a child might make it. Ah! let us leave the past: it attracts us, it seizes us for ever by painful recollections; but we must subdue our indignation, to examine tranquilly a political constitution,

stitution, destined for the present and for the future.

The new government of France is composed of three great circles :

Of a council of five hundred young men *, who must be the sole framers of legislative decrees :

Of a council of two hundred and fifty persons, above forty years of age, who, under the name of ancients, are to approve or reject the laws that shall be proposed to them by the council of five hundred :

Of five directors chosen by the legislature, who are to exercise in common the executive power.

It has been said, in this division of the political body into three powers, the council of young men will be the imagination that conceives ; the council of ancients, the wisdom that weighs and revises ; the directory, the motion that executes : this is all very well. Behold a being to which, in appearance, nothing is wanting, and it is not with a simile that we must dispute.

We only observe, and that to prepare for a

* At present, they must be above twenty-five years of age, and from the 7th year of the republic above thirty ; they are to be chosen, like the members of the council of ancients, by electors nominated by the primary assemblies.

few remarks, that if the Author of Nature had framed no more connection, no more intimacy, between the imagination, the judgment, and the action of the will, than the legislators of France have established between the council of young men and the council of ancients, and more particularly between the legislative authority and the executive power; man would have been a very strange animal, and never could have fulfilled his destination.

The essential disposition of the republican constitution given to France in 1795; the capital disposition, and which may endanger its order or its liberty, is the complete and absolute separation of the two supreme authorities; the one which makes the laws, and the other which directs and watches over their execution. They had concentrated, confounded all powers in the monstrous organization of the national convention; and now, by another extreme, undoubtedly less dangerous, they preserve between them none of the affinities which the good of the state demands. They have suddenly laid hold of written maxims, and, upon the faith of a small number of political institutors, believed that they could place too strong a barrier between the executive and legislative powers. But let us recollect,

recollect, that the instructions drawn from example gives us a very different result. We know no republic in which these powers were not in some measure intermingled ; and ancient times, as well as modern times, offer to us the same picture. Sometimes a senate, the depository of the executive authority, proposed laws to a more comprehensive council, or to the whole mass of the citizens ; and sometimes the senate, exercising in an inverse sense its right of association with the legislative power, suspends or revises the decrees of the greater number. The free government of England is founded upon the same principles ; and the monarch there assents to the laws, either in his own person or by his ministers in the two houses of parliament. America has likewise given a limited right of rejection to the President of Congress, that chief of the state, whom she has invested with the executive authority, and at the same time she has admitted to a part of that authority, one of the two divisions of the legislative body.

The republican constitution of France is the first model, or rather the first essay, of an absolute separation between the two supreme powers. The executive authority is to act

always alone, and without any habitual inspection on the part of the legislative authority; and, in requital, no assent from the part of the executive authority is necessary to the plenitude of the laws. Thus these two powers will have no political tie, but exhortative addresses, and will only communicate together by means of messengers ordinary and extraordinary.

May not so new an organization introduce some inconveniencies; may it not, at some future period, be exposed to great dangers?

Let us suppose, in fact, that the choice of the five directors should fall altogether, or in part, upon men of a weak and irresolute character; what respectability could they preserve, thus appearing totally separated from the legislative body?—mere obedient machines!

But if, on the contrary, the five chosen directors should prove vigorous, bold, enterprising men, and perfectly united among themselves, the moment perhaps might come, when the insulation of these executive chiefs would be regretted, when it would be wished that the constitution had laid them under the necessity of acting in presence of a part of the legislative body, and in concert with all. The moment might perhaps arrive, when the nation would repent of having left, by the constitution

tion itself, free scope for the first suggestions of their ambition, for the first essays of their despotism.

It was not, perhaps, sufficiently considered, in modelling the French constitution, that of all the methods of establishing the executive authority in a republic, the most simple and the least dangerous is, to assign it a share, directly or indirectly, in the formation of the laws; nor was it observed, that if ideas of public good and great political views prepare the renown of legislators, it is an active watchfulness that, in ordinary periods, forms the distinguishing merit of the executive authority; and yet this active watchfulness easily degenerates into despotism. It is therefore dangerous for liberty, when the depositaries of the executive power are confined to one sole task, to one sole ambition. They will then be pleased with tumults and factions, as fixing upon them the first interest, as giving more splendour to their office, and more strikingly displaying their right of constraint or of repression. And, what ought equally to be feared, they will love war, because it gives them a great and undivided power, and because it renders their authority more free amidst interests and events that engross the whole attention. I

speaking here of the nature of things, or of their morality, and not of men whom I know not, and whom no person can acknowledge in regarding with me the course of time, in regarding that future which is the term and aim of all political speculations.

We may likewise wonder, that when the two supreme authorities are thus totally separated, there appears so little precision, so little care, in the constitutional formation of the executive directory. A power lodged in five persons is not altogether a simple thing, when that power ought to be in continual action, and yet subject to one sole principle and one sole sentiment. It is said, that the directory would have a president in rotation for the seal and the signature ; and it is said, moreover, *that at least three of its members shall assist at the deliberations*, and that a register shall be kept. But this does not apply to the elementary difficulty, which essentially consists in the following question—Must the directory, without any distinction either of times or of affairs, exercise its government in a body ? or will it be permitted, will it be lawful for it to divide itself into parties, as the committee of public safety did ; that committee, which had likewise its president in rotation, which was under the same restraint of deliberating in common, of keeping a register of its resolutions, and of
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having them signed by a certain number of assistants? But in this committee there was an established deference among the chiefs, a reciprocal deference; and whilst they were outwardly fulfilling the literal conditions of collective action, they frequently exercised a separate authority.

The conduct of the directory then has not been fixed, in a positive manner, by inserting in the constitution the feeble injunctions that I have mentioned.

A remark so simple and so obvious could not have escaped the framers of the constitution; and I believe that, embarrassed by the question, a question very difficult to resolve with an executive power in five persons, they purposely left it vague and undetermined, at the risque of the inconveniencies attached to that legislative form.

Do you suppose the directory obliged constantly to require one will, and that by one deliberation, and by one superiority of suffrages among five persons? What slowness in action will not be the result of such a subjection, and how can it be reconciled with the multiplicity of affairs, with the diversity of events, in the midst of a population of almost thirty millions of men, in the midst of an immense republic,
even

even when arrived at that calm which at present appears so distant?

This is not all, the directors will give to their re-union but a portion of their time at certain hours in the day, and the unequal course of affairs will not accommodate itself to these methodical arrangements. What will be the result? What measures must be taken? Will there be messengers always in motion? Will there be a bell or a trumpet to summon at all times the five kings? The one or the other of these methods would be as ridiculous as impracticable.

It must necessarily be, therefore, that the associated directors, in submitting to their common deliberation a certain number of affairs, will divide the parts of authority: and if they believe themselves bound by the constitutional article which demands at least three suffrages for every decision, they will tacitly promise each other a mutual deference and an exchange of signatures.

Yet this separate administration, and this divided reign, will likewise have their inconveniencies, and there will frequently result a disparity of principles, a diversity of systems, and an opposition still more dangerous in all those proceedings that are determined by character.

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Let us not, therefore, be surprised, that the framers of the republican constitution should have found themselves embarrassed at the moment when they were called upon clearly and formally to prescribe the manner in which an executive power in five persons should deliberate, act, and develope itself in all the branches of government. But instead of avoiding the difficulty, they ought to have considered it attentively, and in its full extent; they ought to have done this before they demanded from many masters, from many men, always in action, one single will, one will by a majority of suffrages. They ought to have done this before they attached themselves to so novel an institution as to a perfect idea.

Another fundamental disposition demands no less attention; but equally surrounded with difficulties; this likewise has been left vague and uncertain by the framers of the constitution. I mean to speak of the responsibility of the directory, and of the responsibility of the ministers under it. We will first point out the obstacles which opposed the open and absolute establishment of the one and the other of these responsibilities, and examine, afterwards, if they have been perceived, and if they have been surmounted by the constitutional genius.

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It is almost impossible to subject to an efficacious and practical responsibility, the executive government instituted for France. They may make war upon it, they may overthrow it if it should be guilty of any notorious crime; but how stimulate it if it rests on this side the law? How repress it if it should go beyond the limits? What administrative act, what faults short of treason, could lead them to decide upon a decree of accusation against five men, indivisible, who must be attacked in the mass, and in the midst of the credit to which their functions entitle them.

Go through the different precautions employed in free countries, to inspire a salutary fear into the government, and you will see that none of these bear any relation with the organization of the French directory.

The greater part of republics have assigned the executive power to magistrates, whose reign is but for one or two years; the time, therefore, quickly arrives when an account may be demanded from the private man of the actions of the public one. This is not the case in France, where the directors enjoy their authority for five years, and go out of office one by one; so that the first of them, when he re-enters the common class of citizens, will still have as sureties for his responsibility four directors

directors still remaining at the helm of affairs; and as these four directors will naturally associate their new colleague in the executive authority to their systems and their measures, it will not be possible ever to bring an accusation against one or more directors out of office, without implicating the reigning ones.

There is, moreover, this great difference between the French republic and other free states, that in those states, in all with a very few exceptions, the power of censure is confided to a senate, of which the members are for life; therefore they have seen and traced the administration of the executive power, and preserve the recollection and knowledge necessary to become judges, even if that administration should last many years.

The French constitution has established relations directly contrary; for it renews the inspecting and censuring councils more rapidly than the executive directory; and whilst the members of that directory are to reign five years, the members of the councils will be in authority only three. Thus the executive directors, when they again become private men, will in general have none of the witnesses of their public conduct for judges in the legislature.

Most republics have likewise rendered positive the responsibility of their first magistrates,
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by a kind of annual censure, entrusted to the same political bodies whose suffrages have elected those magistrates to their supreme functions; such a censure, from the circle in which it moves, becomes very formidable, for it comprehends charges which an act of accusation could not include.

The necessity of possessing the public esteem to be frequently called to the helm of state, tends to the same end as the responsibility of the magistrates, depositaries of the executive power. And we ought to remark, that this motive to emulation is almost rendered nothing by the new code of the French republic. No one can be a member of the directory who is not *at least forty years of age*. We will suppose, therefore, forty-five to be the mean age of those persons who may be nominated directors. They will remain in office five years. Behold them arrived at fifty. The constitution does not permit them to be again called to the same functions, till five years after the termination of their first reign. They will not then be eligible a second time till the age of fifty-five, a time of life when persons are rarely disposed to enter upon a new engagement for five years, particularly in a post of danger or of labour.

We ought, therefore, to endeavour to establish

blish a constitutional alliance between the executive and legislative powers ; not to diminish or limit the responsibility of the leaders of the state, but to render that responsibility most rare and less necessary : we ought to consider that their prudent association, their artful *intertwining*, will always be the best security for mutual circumspection and efficacious vigilance. But, as I have already said, the French legislators have taken pains totally to separate the two supreme authorities, and they have imposed this obligation upon themselves, upon the dangerous credit of a positive axiom found in certain books, and in contempt of the instruction furnished by experience.

I now come to examine the principal dispositions adopted in free countries to secure the responsibility of the executive power, or to render the recourse to that responsibility less frequent and less essential. All these have been rejected or neglected by the framers of the French constitution. When, therefore, we look in that constitution for the means assigned to the legislature to watch over and controul the executive directory, we find nothing but messages and decrees of accusation. The first very much resembles the remonstrances of parliaments, and the

the second is a violent weapon which it would hardly venture to employ against a directory in credit with the people, or with the army. A situation of extremity, which would already be the commencement of great troubles, could alone determine it to this.

The English have secured themselves from all confusion of this nature, by laying all the responsibility upon the ministers, and holding the person of the monarch inviolable: an ingenious method, which subjects to no danger the respect due, in the name of order, in the name of the tranquillity of the state, to the supreme dignity, and which makes the public vengeance fall upon the seconds, upon the agents for whom the security is not equally collective, and who may be attacked separately, each in the circle of his department.

Such an institution, indeed, could not be applicable to a republican constitution: for nothing less than the majesty of a throne would be sufficient to secure the chief of the state from the attack made upon his estimation by the direct responsibility of his ministers to the nation; and if a responsibility of this kind had been established in France, the directory would have been only a phantom, and a ridiculous phantom; for to
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make it seriously and truly useful to the state, all the delusions of royalty would be necessary.

Did the French legislators see this difficulty? and did they wish to render the ministers responsible, or not? We can form no opinion concerning this in examining the constitutional code; and from the vague manner in which the framers of it have explained themselves, we may believe that they purposely kept at a distance from a question undoubtedly embarrassing. They speak of the responsibility of the ministers only in one article, and in these terms: "*The ministers are respectively responsible, as well for the non-execution of the laws as for the non-execution of the decrees of the directory.*" But how impose upon the ministers two responsibilities which may be in contradiction? it is necessary at least to mark the occasion when one of the two must give way to the other. And how can a minister be responsible for the execution of the laws, when the directory is authorized to suspend, to depose *immediately* the secondary administrations, to annul likewise *immediately* all the acts of those administrations, and to receive imperative decrees, without any other formality than the attestation or writing of a privy secretary? To

render ministers responsible for the non-execution of the laws it would be necessary to declare, as in the constitution of 1791, that no order of the supreme executive power should be valid without the signature of one of them. This has not been done, and with good reason; for the debasement or the insignificance of the executive directory would have been the consequence of a similar ordinance in a republic; but at the same time, all the difficulties attached to the exercises of a right of accusation against this directory subsist in their full force.

The framers of the French constitution ought to have placed themselves in this double embarrassment, instead of clandestinely retiring from it. But was a good solution possible? I believe not; for the evil lies in the very foundations of the political system that they have chosen; the evil is in that real equality, in the public opinion, between the chiefs and the inferiors of government; an equality which renders inadmissible the ingenious system of responsibility introduced in England; and the evil is, moreover, in the total separation established between the two supreme authorities. This has placed the executive power completely independent of the legislature, and the legislature can only reach

reach it by a menacing vigilance. But in examining attentively the French constitution, we shall perceive the traces of that spirit which reigned so long in the national convention; of that spirit, always a stranger to mild methods, which placed its principal reliance on decrees of arrest, decrees of examination, and decrees of accusation.

It was by yielding to these motives that the national convention occupied itself particularly to secure to the directors an active and violent force, whilst it took so indifferent an interest in their public estimation; and in general that material part of a government has been slightly touched upon by the conventional legislators. Is this from despair or from indifference?

A little trait has struck me as significant in this kind. The convention has given all possible facility to persons who would wish to accuse the executive directors, or one of them in particular. The first individual has a right to make the charge, by putting his denunciation in writing, and signing it. This facility is singular, and but little compatible with the deference due to a supreme authority. The convention expresses afterwards the circumstances which make it lawful to arrest an executive director; and this is to be done imme-

diately by the police, in case of a *flagrant crime*. But should not the slightest sentiment of decency have prevented them from exposing such a supposition to the eyes of Europe? And would it not have been time enough to make this law, if it had ever happened to a director, to commit in public an action to which so strong a term as a *flagrant crime* could be applied?

Another disposition of the same nature, that is a stranger to every idea of public estimation, is the constitutional article that recalls to the administration a director acquitted by the high national court. But how could it be imagined that a first magistrate of the republic was still a proper person to inspire respect, after having appeared as the accused before the two councils; after having been imprisoned; after having been repeatedly examined before an extraordinary tribunal; after having appeared before it in a humiliating situation? They thought, by this philosophical step, to raise themselves above all vulgar prejudices; and they have not imitated the wisdom of the Americans, who have not exempted the president of congress from a regular prosecution, but who have fixed the termination of his political career, at the moment when the senate, upon a denuncia-

tion from the house of representatives, has pronounced his deposition. He may be consigned to an ordinary court of justice, for that part of his offence which appears to demand a heavier punishment; but the acquittal, which he might afterwards obtain from that court, would not re-instate him in his public functions. Thus, there is no danger of seeing a man return to the helm of state, who has been degraded in the public opinion by the long course of a criminal process*. But in little things as well as in great ones the sovereign legislators of France have constantly supposed that morality was nothing, and yet it resists every thing, even despotism.

The estimation of the supreme authority is likewise exposed to an indirect attack, from which no care has been taken to secure it.

* We may believe that the framers of the constitution felt a kind of repugnance to express, in that perpetual code, the detail of degradations relative to the executive directory, of which I have spoken. They speak thus under the title of *the executive power*, Article CXVIII.

“ The hundred and twelfth article, and the following ones to
“ the hundred and twenty third inclusive, relative to the gua-
“ rantee of the legislative body, apply equally to the members
“ of the directory.”

It is to these articles that we must refer; and as they are placed under the title of the guarantee of the members of the legislative body, their relation to the executive directory does not strike the attention.

The five directors, on resigning their office, will again become simple individuals, and their original situation, their profession, their fortune, and the chances of private life, may sometimes subject them to inferior occupations, to occupations degrading perhaps, or abject, in the eyes of men, and according to common ideas. Who can say, that amidst enemies from whom no authority is exempt, they will not be exposed to insults at the moment of their retreat, at the moment when they shall ré-appear in the general lists, without arms and without power? But every species of humiliation attached to the old directors, it matters not from what motive, will have its effect upon the importance of the place, and upon the public estimation of the men appointed to fill it.

This kind of danger is not known in monarchies, where the chief of the state is perpetual; and the republics of Europe have avoided it, by replacing in the first council of the state the chiefs of the executive power, at the expiration of their temporary authority.

In France these precautions are thrown aside, and from the height of an unequalled power, of a power conspicuous every where, the directors will be, one by one, precipitated
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into the vortex, into the immense multitude of equals and of *tutoyés*. Have a care that they do not find themselves ill at their ease there, and very cavalierly treated! What! did not Cincinnatus return to his plough? Yes; but he was still a senator; he was still a patrician; and the plough has something of antiquity, and something favourable to imagination; substitute in its place another kind of industry, another labour, and you will see the delusion vanish. You cannot make manners as you can make laws, as you can make constitutions; and this is a romantic project, and unfortunately more romantic from its common application, than that of exposing political greatness, for which there is a necessity, to all the debasements inseparable from the exaggerated system of equality.

A few more observations upon the executive authority before I pass to another subject. They are doubts that I offer, and not any absolute censure. Yet it will be difficult to maintain the following rule. The constitutional act says, article CLXIII: "The directory may at all times invite, by writing, the council of five hundred to take an object into consideration; it may propose measures to it, *but not plans reduced into the form of laws.*" This injunction will necessarily be

infringed; for there are so large a number of legislative dispositions, of which the execution cannot take place on two accounts; there are so great a number, of which all the parts are connected by such immediate relations, that such laws ought to be wholly drawn up by the administrative power, or, if they were composed by the legislature, it would be necessary that the government should judge whether the details apply and correspond to the particularities which the government alone can be acquainted with. The national convention, during its reign, could never have properly digested the laws of this kind, if it had not, by its perpetual committees, become a center of correspondence, of investigations and informations. The constitution has very wisely prohibited the renewal of such committees; but this prohibition, and the obligation imposed upon the directory to limit itself to general invitations in its communications with the legislative body; these two constitutional dispositions cannot accord, and most assuredly the one or the other will be violated, or the directory will have faithful agents in the council of five hundred. But such an arrangement, which would place the men of most importance in the legislature in habitual relations of confidence with the executive directory,

rectory, would very soon inspire them with ambitious views and political desires foreign to their natural functions, and to the mission which they hold from the people.

It is not imagined in England, that the government could go on regularly for three months, if the executive power was placed totally separate from the deliberations of parliament, and if the ministers, constitutionally excluded from the two houses, could no longer give a direction, sometimes general, sometimes particular, to the public affairs and to the national resolutions.

It is in imitation of the Americans, that the constitutional act of the French republic limits the legislative influence of the executive directory to general invitations. But what a difference between the affairs of a congress, where they only treat of the common interests of many sovereign states united by political ties, and the innumerable multitude of dispositions relative to the interior, exterior, and indivisible government of a country such as France!

We must likewise observe, that the American constitution has established intimate and continual connections between the depositary of the executive authority and the senate, one of the two houses of the legislative body; for
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the principal administrative functions must be concerted with that senate, and obtain its assent. And finally, the president of congress may demand a revision of the laws if he approves them not, and if his observations are not rejected by two thirds of the suffrages in each house, the legislative decree is suspended. Thus, we may again remark, the Americans, in separating the action of the political powers, have however united with wisdom, have, we may say, intermingled, and that in a just proportion, the judgment, the interest, and the views of the two supreme authorities.

I now fix my attention upon another part of the French constitution, and I remark with surprise the brevity of the part assigned to the council of ancients. These ancients are to say yes or no to the propositions of the council of five hundred, and they must never address to it more than these words: *The council approves. The council cannot approve.* Such is the commandment of the constitution. No explanation is permitted them; and what is more, they must either adopt or reject altogether the plan of the law composed in the house of the five hundred. Therefore, if there should be in the plan of a law many excellent articles and one detestable one, one dangerous to the state, the council of ancients,

cients, obliged to reject the law, cannot announce its motive; it dares not openly propose to the council of five hundred to change the article which places an obstacle to their mutual consent.

Certainly, when *imagination* pays a visit to *judgment*, she ought to permit her patron to express himself freely.

This constitutional disposition will be difficult to maintain in its rigour; it will expose the council of ancients to ruin itself every day in the public opinion.

What would the five hundred have to do to render this council unpopular almost in a moment? They would insert one unjust disposition, one inconsiderate article, in the midst of a law which should have for its object the relief of the people. The ancients, obliged to approve or to reject this law entirely, would necessarily take the last part; and, at the same time faithful observers of the monosyllable form imposed upon them, they could not make known, in a legal and authentic manner, the motive for their determination.

This chance, which I have pointed out, may perhaps be rare, but another may frequently occur. A decree, for example, is addressed to the ancients by the council of five hundred; this decree is composed of one principal idea
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and of several accessory ones. The principal idea is thought good, and the accessories present mischievous consequences, but remotely. The decree will then be admitted and sanctioned by the council of ancients; but accessories on accessories may lead to any thing, particularly when the first have made the law, the seconds afterwards and their different consequences form.

The king of England, when the bills of the parliament are presented to him, expresses himself likewise very laconically. It is said for him, *The King wills it: The King will consider it.* The first formula announces his acceptance, the second his rejection; but he is scarcely ever called upon to refuse his sanction, because the laws have already passed the examination of the two houses, and particularly, because in both those houses the plans of the bills have been concerted with his ministers. We see then that the laconic language of the king of England is occasioned by particular circumstances, and those circumstances are absolutely foreign to the nature of the relations established between the two legislative councils of France. These relations may be better compared to the connection of the English house of commons with the house of peers; but in the

the propositions which they make one to the other, neither of them express themselves with rudeness; and if their opinions happen to differ upon the plan of a law, they reciprocally name deputies, who confer together, and endeavour to discover the means of conciliation. This is the conduct of reason and of wisdom, and we hear nothing of the singular novelty which France is called to make experience of. The imperious style, the irritating style which is prescribed to the council of ancients, and the interdiction of all explanation between that council and the council of five hundred, will become a source of discord and confusion.

In general, the more we examine the connection of the councils with each other, and the relations of the legislative body to the executive, the more we perceive a harshness and abruptness. There wants what we call congruity in writing, that fine trait, without which the perfection of the others is useless.

I observe likewise that the constitution expresses itself thus: *Upon the demand of an hundred of its members, either council may form itself into a general and secret committee, but only to examine, and not to deliberate.* No exception

exception is made. But if the ancients cannot be present at these committees, and if they are frequently made use of; if the sitting is not made public till the moment when the final deliberation is about to be determined, the ancients cannot know the motives of the council of five hundred, nor follow the train of their thoughts.

This same council of five hundred has alone the power of proposing laws, and this faculty is expressly forbidden to the other part of the legislative body, the council of ancients.

There is nothing similar to this in England or in America, the only countries where the system of two houses is regularly established. It is by mutual propositions, it is by an equality of rights on that point, that their connections are established. And why deprive the nation of the original ideas of one of the two councils, particularly when the men of whom it is composed are likewise the choice of the nation? It would have been sufficient to reserve to one council the power of proposing taxes and of financial regulations, of that portion of public affairs in which a spirit of coherency, or the connection of previous knowledge and speculations are absolutely necessary. Has the embarrassing situation

ation been considered in which the council of ancients will find itself, waiting, in the inactivity which may be occasioned by the council of five hundred, for the plans of decrees which it must determine? This work of revision will require infinitely less time than the first discussion in the council of five hundred, for the council of ancients is but half as numerous, and will have been already instructed by the previous debates of the council of five hundred. Great intervals of leisure are prepared for it; and it must be ready at every moment to sanction decrees of urgency. Will they establish a public lecture, as in the convents of monks. to fill up the quarter of an hour's silence? or will they divert their inquietude in some other manner? Is it not to be feared that a situation so uncertain, and so little becoming a legislative body, may diminish the consequence of the council of ancients, and injure it in the public estimation?

This council is likewise exposed to fall into discredit, because it can never take the lead. No reparation of injustice, no act of cognizance, no aid to the oppressed, no idea of protecting weakness, no proposition favourable to commerce, to agriculture, to the prosperity of the state, in fine, no honourable

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or salutary measure can appertain to this council of ancients. In what a melancholy situation will it frequently find itself! It will behold in administration the indifference of some, the tyranny of others; it will be a witness of injuries done to the public liberty, or to the rights of individuals; it will hear lawful demands, or affecting complaints, and it will not be able to say a word; it will have neither the right of representation nor the right of counselling. This will be for virtuous and patriotic hearts the most hard privation; it will be the punishment of Tantalus.

The prejudice which this order of things may occasion to individuals and to the state will not be perceived at first. The first troubles of a revolution are scarcely past, and the fearful recollections which the public preserve of so many fatal resolutions, and of so many tyrannical decrees, will adorn, in imagination, the body invested with the right of *prevention*; but in ordinary time, I believe, they will prove the reality of the conjecture I have offered.

The following observation must likewise be weighed. The council of ancients, invested with the power of rejecting new laws, and the council of young men, who have only the
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the right of proposing them, would be at once on a kind of equality, if the legislative system of the republic commenced with the establishment of their respective authorities. But as an innumerable multitude of decrees have been accepted with the inheritance of the supreme power, as these are applicable to all the social relations, and as they must have the force of law a long time before any modification can be applied to them, the council of young men, solely called upon to demand and to propose alterations, enjoys a superiority of prerogatives, of which the effects are immense, and the council of ancients, condemned to be a silent spectator of all existing circumstances, becomes unconnected with the greatest portion of the universal order, and the whole of the laws is removed from its influence.

It appears to me that, if after deviating from the English and American institutions, it had been thought right to attribute the exclusive privilege of proposing laws to one of the sections of the legislative body; it would have been more rational to have reserved it to the least numerous section, especially as both enjoyed the legislative power by the same title.

It is thus that all the republics of Europe

have placed that power. The small number is more fitly appointed than the larger one to meditate laws, to prepare them, to correct the details, and to examine all the parts with attention, and it can more easily repair a first error; neither is the small number offended at the censure of the larger one, though that will hardly endure the censure of the minority. And it is a violation of all the laws of equilibrium, in the distribution of powers, to unite together the force of number, the force of age, the force of proposing laws, and the force of the right of accusation. But is not imagination the property of youth? and does not the imagination precede the judgment? I have nothing to reply; and I invite all the politicians of Europe to kiss the ground before this mighty argument. But I must say, that from the time of the first assemblies of the French nation under Charlemagne, from that time when the imagination and judgment were already in existence, the ancients formed the law, and the young men afterwards assented to it by their counsel. Hincmar, the celebrated writer of the ninth century, informs us of this.

The arithmetical argument, which has been made use of for fixing the power of proposing laws

laws in the hands of the council of young men, is worthy of remark.

It has been said, that if the council of ancients possessed this power, it might happen that the minority of voices in the legislature, that is, in the two councils taken together, would prevail over the majority.

Let us suppose that a law is adopted unanimously by the council of ancients; there will then be for it - - 250 suffrages.

Suppose afterwards, that this same law is carried to the council of five hundred, and rejected there by the majority of a single voice; there would then be for it in this council - - 249 suffrages.

So that in both the councils there would be 499 voices in its favour.

And yet this law would be rejected by the 251 suffrages that compose the majority in the council of five hundred.

This calculation is unanswerable; but before we submit to it, it appears to me that we ought to examine the result of an inverse hypothesis; and we will proceed upon the same suppositions.

The power of proposing laws is in the hands of the council of young men, and the proposition of a law is decreed unanimously; there are therefore for it - - 500 suffrages.

This law is rejected in the council of ancients by the majority of a single voice; there are therefore for it in that council - - - - - 124 suffrages.

Consequently, in all, 624 voices in its favour.

And yet this law would be rejected by 126 voices, forming the majority in the council of ancients.

Thus, supposing that the power of proposing laws was assigned to the council of ancients, it might happen that 251 suffrages in the legislature might prevail over 499.

But in the actual state, when this power is assigned to the council of five hundred, it may happen that 126 suffrages should have the superiority over 624.

We see then, that the kind of calculation employed to justify the placing this power of proposal in the hands of the council of five hundred, ought to have led to the directly opposite determination.

It is therefore evident, that the more the legislative section, charged to propose laws, is superior in number to the section that has the right of accepting or of refusing them, the more is the influence of the minority increased,

creased, and the more power is given it of becoming ultimately the arbiter of a question.

I see with pain, in the French constitution, the removal of the judges, and their election by the people, every five years. Sentiments of fear and of hope are incompatible with the august functions of magistrates called upon to decide the fortune of citizens, and to direct the jury in criminal questions; they ought not to be obliged to think of themselves and of their popular credit; and the only ambition that should be offered to the judges, is the expectation of a gradual increase of consequence, by a free and impartial conduct.

We may likewise look upon it as a kind of injury to the public tranquillity, that the tribunals, under the regulation of temporary elections, can never be composed of tried men, men in possession of long esteem, and known by their reputation to all the citizens subject to their authority. The English and the Americans have therefore attached an equal interest to the perpetuity of their chief judges; and in both those nations they cannot be deposed but for misconduct.

Undoubtedly, in adopting the same principle for France, it would have been necessary to use the most scrupulous and the most

vigilant attention in forming the tribunals; and it would not have been too much to make the electors first, in the name of the people, and the legislature in revision, and the executive directory, as a last caution, concur in nominations so important. We may remark too, that, admitting the perpetuity of the judges, the right of chusing them may, without any great danger, be assigned to one or other of the supreme powers, for gratitude is seldom a corrupter; it is the temptations of hope that must be feared, and always be feared. At present, it would have been very wise to fix the epoch of the perpetuity of the judges at a certain distance from that of the constitution, at a certain distance from the present time, to be more certain of the calm necessary for a choice of such long duration.

It appears to me, that amidst the innumerable multitude of temporary elections, of which the organization of the French government is composed, it would have been a kind of repose for the nation, if they could have perceived at least one authority framed in a stable manner: and this, if it had been wished, might have been destined to the habitual defence of that valuable part of the constitution, which guarantees to all the citizens their personal liberty.

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We shall see how this liberty will be frequently endangered, both by the periodical removal of the judges, and by an infinite diversity of tribunals on an equality with each other. What can an executive directory, a minister of justice, do against their errors, against their ignorance, against their spirit of party? These tribunals and these judges will, in the immensity of France, escape from the central vigilance. And what if the supreme authorities should themselves favour arbitrary acts; if they should wish an irregular imprisonment to be decreed; if they should wish it to be prolonged? It is necessary that there should be in a great state a supreme magistracy, who may constantly watch over the inferior tribunals; and it is necessary that this magistracy should be established in an independent manner, in a manner proper to impose respect; and it is of importance, that it should always have in view a high and durable importance. But how can this importance be expected in a temporary situation? Such a situation undoubtedly permits the developement of superior talents at the head of an army, at the tribune of harangues, at the helm of state; but the tribunals and the judges can only obtain celebrity by insensible degrees; frequently the common life of man is not sufficient

to acquire this ; a body of magistracy must even inherit the reputation of many generations before it can possess this ; and it is then only that it reflects splendor, in its turn, upon the persons associated to its rank and functions.

Such is the reasoning : and the great judges of England are the best examples.

The legislators of France have believed, that in saying to the people, “ chuse and chuse continually,” they have done every thing for them. But is there a principle of government without an exception ? I know of none.

I pass from these general remarks to the examination of some particular dispositions. There is one which to me appears to draw after it the most grievous consequences for happiness and for liberty : “ Every citizen “ (it says) owes his services to his country, “ and to the support of equality, of liberty, and “ of property, whenever the law calls upon “ him to defend them.”

No limit is set to this principle ; and thus it abandons to the legislature the indefinite power of enrolling for war whatever class, and whatever portion of the whole body of citizens it may please : and it is not only for the defence of the country that this power
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is decreed to it; it may send them upon military service to the colonies, and to all parts of the world; it may even deliver over for hire a certain number of Frenchmen, as was the case in signing the bargain with Holland; and the distribution of the enrolled forces, their application, their duration, belong to the executive directors, to the same directors who alone have the right to speak of peace when once war is resolved.

Never were powers so violent attributed by a free nation to its representatives, still less to the representatives of its representatives. Armies levied and maintained by money, armies formed by voluntary enrolments, are called into action by the will of the government; but the citizens ought never to be called upon, without distinction, to take up arms, except for the defence of the country; and the unlimited power of disposing of their persons, for every kind of enterprize, ought never to be entrusted to any authority in the state.

The use of the press in England for manning the navy has been always exclaimed against, and yet this is only exercised upon the vagabond part of society, and is never decisively employed but in important moments, when the ordinary seamen have not yet re-entered in the ports. In the preceding war, when Great Britain

Britain combated four maritime nations, France, Holland, Spain, and the United States, she maintained upon the average an hundred and ten thousand seamen, of whom sometimes a third part and sometimes a fourth were supplied by the press; but the idea of placing all the English citizens at the disposal of government, or at the disposal of parliament, to be sent to war wherever and as long as pleased the one or the other of those authorities, this idea would appear to a nation experienced in liberty, the seal of the most dreadful slavery.

And, independent of the dangers of life, independent of the chances of a horrible mutilation, and of the incommensurable sacrifices of parents, this nation would tremble at leaving to any authority the full power of chaining under the military yoke, under a despotic yoke, the tenth and most valuable part of the male population of a country. But laying aside the authority of example, it can never be imagined, with sound ideas of liberty, that in founding a representative government, it is necessary to attribute to a re-union of men elected by the nation, an enormous power, a power which a father would not give to his son, nor a son to his father; and in France this power is not entrusted solely to those who have been
immediately

immediately elected by the people, but to the third and fourth generations of the elected. In fact, the executive directory, which distributes the military forces; the executive directory, which is to fix the termination of the calamities of war, has been chosen by the legislature; the legislature has been chosen by the electoral bodies; the electoral bodies have been chosen by the primary assemblies, and, perhaps, in those assemblies, three-fourths of the voters have given their suffrages upon the advice of some orator placed among them. Behold, then, the deputed legislators, the substituted directors, the one in the third, the other in the fourth generation, from a choice indifferent and superficial in its beginning; and yet they have the right of imposing the most rigorous sacrifices upon the whole mass of citizens. A singular extension of the representative character! This character was even from the first election sufficiently ideal! And what does it become after passing through many substitutions? We behold then nothing but a metaphysical summary, which cannot serve as a legitimate title to the exercise of an unlimited authority.

We shall always bewilder ourselves if we lose sight of this maxim, that the true representation of the will of a people must be sought for

for in the immutable principles of justice and of reason; there it will be better found than in a constitutional article, united to three hundred and seventy-six others, and approved all together at the first reading, amidst the tumult of the primary assemblies. It would be mocking at realities, by the assistance of forms, to take advantage of an assent like this to violate without scruple the imprescriptible rights of men and of nations.

Let us now examine the same question in another point of view, deserving, I believe, of some attention. It has pleased the supreme philosophy of the legislators of France to consider the inhabitants of a country as equal in all points, and, by a consequence of this principle, it has made no distinction of condition, fortune, and education, in constitutionally authorising the forced enrolments, authorising them in an unlimited manner, and annexing the most rigorous means of execution.

This philosophy has not chosen to see, that the different situations of men produce, in their effects, infinite gradations; and attaching itself solely to certain equalities, properly physical, it has created the greatest moral inequalities; for, according to the calculations of reason and of feeling, according to all the measures that mark the proportions of individual happiness
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and misery, there is no resemblance between the forced enrolment of men coarsely brought up, without being habituated to any of the comforts of life, and the forced enrolment of men placed by fortune in different circumstances; there is no equality between the forced enrolment of persons prepared almost by inclination for military service, and the forced enrolment of individuals prepared from their birth for mental occupations. We cannot compare the taking away an only son, necessary to the old age or infirmities of his father, to the summoning a young man, who may leave many brothers or sisters in the bosom of his family.

How many equalities of the same kind will this article introduce, and with motives equally reasonable! It is then a kind of political brutishness to behold in men only the living animal, the animal distinguished by the motions of his feet and hands, and to pay no regard to all the moralities prepared by nature and strengthened by the social state. And in what country is this system introduced? In a country led by irresistible causes to a great difference of educations, to a great diversity of commencements in the career of life; a commercial nation; a nation placed in the center of Europe, and whose industrious genius is suf-

ceptible of so many developements: such a nation will always be fertile in vicissitudes of fortune, in the increase and decrease of individual property; and this fluctuation cannot be checked, neither by arbitrary imposts, nor by frequent partitions of lands, nor by any other invention of a savage despotism.

Let us pause at one reflection. The prolongation of paternal cares, the domestic intimacy more minute and more continual, the cultivation of soft and affectionate sentiments by refinement of manners, all these attributes of fortune render the ties of relationship more lively, more penetrating, more numerous, and it is sowing the seeds of misery with a full hand, to take away without distinction all the sons from their family, and sternly reject any kind of ransom. But as I have before said, it is for the whole mass of citizens, it is for them without distinction, that the forced enrolment, if it has no constitutional limitations, if it is not restrained to the defence of the country, if it depends upon the will of a certain number of the representatives, or of the representatives of the representatives, becomes incompatible with liberty, with all that is most valuable in that enjoyment, and in that protection.

Let us go still farther, and suppose Europe
divided

divided into five or six republics, subject to the same kind of government as the French republic. Behold the alteration that would follow in the condition of the people. The most despotic monarchs, with but one exception, dared not, could not extend their enrolments beyond the sixtieth part of the population; and, circumscribed likewise in the circle of sacrifices which they permitted themselves to demand of their people, were never in a state to draw out the whole armed force into the field. The new republics, on the contrary, after having taken place of monarchies, following the example of France, would authorize a small number of chosen men, called *representatives*, to dispose, without limits, of their persons and fortunes. Thus it would be whole nations, with all their men, with all their revenues, that would struggle together. What a scourge! This would be in politics the invention of the Greek fire. Do you say that if all Europe were divided into republics, these republics would love each other, would respect each other, would live in eternal peace? Yes, like Athens and Lacedæmon, like Rome and Carthage, like Carthage and Rome.

The citizens of the republics of Greece and Italy carried the war themselves in person into foreign countries; but they themselves had previously

previously examined it, and had taken the resolution which placed them in action. This representative system was not known then, which, by a kind of metaphysical juggle, is proclaimed in our days as an exact picture of individual wills; as so just an image, that a small number of the elected may reasonably and lawfully dispose of the persons and properties of a whole nation; that they may do this indefinitely, and in the same manner as that nation would have had a right to do, if all the individuals of which it is composed had been consulted one by one. What an abuse of the word *representative*! And it is by favour of this word, that the inhabitants of a vast country may be forcibly enrolled for a war in any land, without distinction, and at the will of seven hundred and fifty of them; at the will even of a mere majority in that little number, and, by a farther transmission, at the will of five persons elected by the first elected; at least the duration of the sacrifice depends upon their pleasure.

Nothing, it appears to me, could more clearly prove that the French nation is still in a state of political infancy, than its respectful adherence to a servitude without example.

Has this nation only considered, that in attributing the right of disposing of itself with
such

such extent, with such rigour, it was necessary to demand a proof of property, and of important property, from the persons invested with the right of deciding solely upon war and peace? It cannot be dissembled, that the chance of war, that the chance of its long continuance, augments in probability under the government of men without patrimony. Exempted by their offices from taking arms themselves, and having only a slight contingency in the public fortune, they suffer little from political troubles; frequently the great scenes of events even favour their particular interests; for, amidst a vast multiplication of expences, amidst the numerous distributions of employments, and the new and lucrative occupations to which all the necessities of an army, all the extraordinary levies of money give birth, a succession of different objects offers to men in power indirect means of enriching themselves; and if from a principle of morality they reject them, they have still at their disposal the pleasures of reputation, the pleasures of patronage, and all the enjoyments of self-love, often more attracting than pecuniary advantages.

It will be then without a guarantee, and without sufficient ties, that the men, abstractedly marked out as representatives of the

general will, will exercise over a whole nation a dreadful right, a tremendous power, of which, I believe, neither the nature nor the extent have been estimated. Was ever a similar authority bestowed with so little inquietude, with so little precaution?

The fatal effects of the indifference of the French legislators for the quality of a landholder will be perceived in many ways. It is only under this title that a citizen is complete; it is only under this title that he is the friend of order, the friend of justice, the friend of morality, by a sentiment of personal interest. But with the system of absolute equality, with this system so loudly professed, it was difficult to establish, in a marked manner, the aristocracy of property. Observe the little manœuvre which the authors of the constitution of 1795 have been forced to employ, to attempt to exclude from the popular assemblies the men without interest in public affairs. They decree, to commence from the twelfth year of the republic, that to exercise the first civic right, a man must be able to read and write. But how is it imagined that such a law can be executed? Will they establish a jury of expert artists, and call upon the citizens to read and write in their presence, before they give their votes at any of the

the elections assigned to the primary assemblies? What a subject of disputes and quarrels! or at least, what inevitable delays! Or will it be better to demand certificates from school-masters, instead of certificates of civism? A new law will be necessary to explain what manner of reading and what kind of writing is expected. All this is ridiculous, and at the same time unjust; for, from the moment when they did not acknowledge, or dared not avow the necessity of a certain property to exercise political rights, it is absurd to demand of a citizen, endowed with common sense, that he be able to read and write, for the simple expression of an act of confidence. CHARLEMAGNE, who did not govern the French empire badly, could not write*; and six hundred years after him, the states general of the kingdom decreed, that the ministers of the prince, on being unable to sign their names, should affix their seals to the public acts.

It was, I believe, to atone for the constitutional article upon the necessity of knowing

* "He attempted to write (says Eguinard) and for that purpose he had a custom of placing tablets under his pillow, to exercise his hand in tracing letters during the time when he could not sleep; but as he began a little too late, he never made any great progress."

Preliminary Discourse to the Collection of Baluze.

how to read and write ; it was to obtain pardon for this little trespass upon absolute equality, that another extravagance was ordained, which will remain, I believe, in all the purity of its abstraction, for the execution is evidently almost impossible. It ordains, the constitution ordains, to commence likewise with the twelfth year of the republic, that no one shall enjoy the rights of a citizen, without giving proof of his aptitude in the exercise of some mechanical profession *. What affectation ! what pedantry ! And where shall we discover the profound wisdom of this regulation ? Is it not evident that the cultivation of the mental faculties must be left to some, and of the mechanical arts to others, according to their natural dispositions, according to their situations and their fortune ? I doubt that France would never have possessed either Sully or Colbert, if, before they had been suffered to take the helm of affairs, they had been obliged to know how to build a barn or make a shoe : but I forget that, under our kings, we were far behind all these philosophical ideas.

But whilst the constitution prescribes these

* Article XVI. Title II. “ The young men cannot be inscribed upon the civic register, if they know not how to read and write, and exercise a mechanical profession. The natural operations of agriculture are included in mechanical professions.”

puerilities,

puerilities, useless to liberty, and indifferent to the public order, it neglects, as I have already shown, precautions the most important to the general interest. Let us point out some dispositions that may make the contrast obvious. We shall likewise find, what I do not like, illusions placed instead of realities. And first, observe how the right of petition is arranged, that right which the English consider as one of the principal supports of their liberty. Observe with what address it has been rendered almost nothing, after having been always pronounced with emphasis in all the declarations of rights. This is the article: "All the citizens are free to address petitions to the public authorities, but they must be individual ones; no association may present them from collective bodies, except the constituted authorities, and only for objects proper to their prerogatives."

At first it appears, that permitting all the constituted authorities to address petitions to the legislative body is sufficient for the public interest. But have these words been observed, "*and only for objects proper to their prerogatives?*" Such a restriction excludes all general objects. Petitions, for example, upon peace, upon war, upon the loans, upon the paper money, upon the liberty of the press,

upon the right of petition itself, and upon a multitude of abuses of power or legislative actions, which, because they are out of the circle of a particular administration, will perhaps more deeply interest the destiny of the state or the national liberty.

Observe also, that the greater part of the constituted authorities, such as the administrations of the departments, of the cantons, of the communes, are all revocable at the sole will of the executive directory. Are we sure that, in the presence of such risque, of a risque at all times, they will be willing to form petitions, even upon *objects proper to their prerogatives*.

Thus, except the complaints of insulated citizens upon merely personal subjects, we see no real application of the right of petitioning, such as it is understood in free countries, and such as is admitted in England and in America.

It will be said, that the right of petition has been very much abused during the French revolution, and that it might be entirely abolished without regret; but why then make an appearance of maintaining it? And if they were fearful, perhaps with reason, of a right inherent in free constitutions, this leads us to a great truth; it is, that in France, whether on
account

account of the extent of country, or the character of the inhabitants, or the sanction given to the principle of absolute equality, or of other motives, it is more easy to imagine a republic, than to invest that form of government with all the properties that belong to it. Liberty has always been in fear of liberty. Behold what we may remark every moment, in studying the spirit of the constitution of 1795.

The liberty of the press, that other condition of political liberty, is likewise announced with solemnity in the constitutional act of France, but with the reserve expressed of a responsibility *in all cases provided by the law*. Thus the right remains indefinite, or rather it does not exist, till the law shall be explained. This was the constitution which ought to define the liberty of the press; for in a republic, this liberty is destined to keep the legislative body itself within the limits of its rights.

A circumstance very remarkable in the constitutional code of France is, that it does not announce the formal suppression of the laws anterior to the new order of government, many of which are in contradiction to the principles of liberty consecrated by the constitution; and this suppression must not be looked upon as understood; for on the last

day of the sittings of the convention, and after the acceptance of the constitution, the abolition of the law of Prairial 22d, for the imprisonment of suspected persons, was solemnly decreed; a resolution which seems tacitly to announce the maintenance of all the other decrees.

Thus the executive power, in virtue of the legislative decisions which have not yet been abrogated, retains the right of declaring the towns in a state of war upon the least appearance of disturbance; and it may exercise this right without taking the opinion of the legislative councils, without being accountable to them; yet such a determination, which may in an instant transfer the civil power to the military authorities, will be a great exception to the freedom of the citizens and to personal security.

It is, moreover, in virtue of the old laws, or of their interpretation, that the executive directory will have the power of banishing foreigners from France; and in this manner it will possess a right of arbitrary police over a great portion of the inhabitants of France.

There are some circumstances that may require the prerogative of a similar right in the executive authority, but always, however,

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in a certain measure, and under certain limitations; but when this extraordinary prerogative was bestowed by the national convention, its duration ought to have been fixed; and as this has not been done, it depends at present upon a part of the legislative body to render perpetual a disposition, which would scarcely be tolerable with the assent of the two councils. Is there any thing, in fact, more contrary to the real interests of a state, than this despotic jurisprudence towards foreigners? Is there any thing which can be more in opposition to the liberal ideas of which the public right of nations is composed? Ought not France particularly, almost singular in the possession of a temperate climate, and of so many other advantages, to use with moderation a prerogative which extends to the most precious gifts of nature, to the independent gifts of labour and of industry?

It is likewise in virtue of the old laws, that the directory will have the power of sending back into their communes the French themselves; a kind of *lettres-de-cachet*, which it may employ against that considerable part of the nation, who are continually removing in the whole extent of France. Thus Paris, where all the fine arts, every kind of magnificence, and all the opportunities of instruction
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are united ; Paris, whose prosperity is maintained by continual sacrifices on the part of the other districts of the republic ; Paris, favoured with so many advantages, can belong with security only to the persons born within its precincts, or in the circle of its *fauxbourgs*. What a privilege ! and the introduction of this is owing to those legislators who have professed themselves enemies to all distinctions.

Such a law cannot subsist ; but from the moment when it made a part of the dispositions admitted at the epoch of the new government, the accord of two sections of the legislature became necessary to carry its repeal ; and if the council of young men, alone intrusted with the right of proposing, should not chuse to bring the affair into consideration, the abuse can have no end, and the most decided wish of the council of ancients, in favour of an amendment, will be without effect. Such is the inconvenience, in addition to what I have already pointed out, of this inheritance of laws without a fixed termination, accepted by the two councils with the constitution.

How are these two administrative powers to be adapted to republican ideas, the one with regard to foreigners, the other towards the French themselves ? Is not this arbitrary banishment from a country or a town a breach

breach of the principles of liberty, and the most important of all?

To an authority already so despotic is to be added the right of preventing the French from travelling out of the limits of the republic, a right likewise established by a decree to which no termination is fixed. Thus it is by one sole will, as I have just shown, that a complete system of tyranny may be perpetuated, though two are required to decree an illumination, a fête, or any other legislative disposition still more unimportant.

We must remark here, that the constitution itself has greatly fettered the liberty of travelling, by declaring that, to be eligible to the council of young men, it was necessary *to have been resident upon the territory of the republic during the ten years that shall have immediately preceded the election.*

And the same condition applies to the council of ancients, with this difference in aggravation, that, to be eligible to that council, *fifteen years* of residence are required instead of ten.

Thus then are all the French citizens obliged to renounce either the reasonable ambition of serving their country in the representative councils, or the just desire of augmenting their knowledge, and satisfying their
curiosity

curiosity by travelling. In reality, ten years of compulsory residence upon the territory of France, immediately before the age of thirty, or fifteen years immediately before the age of fifty, form an insurmountable obstacle to all travelling. And wherefore is this offence to the general principles of liberty, to those principles which the conventional deputies were called upon to defend and guarantee? Is it believed that a stroke of the pen can exclude from the legislature the greater part of the merchants? for there are very few who, from twenty to thirty years of age, or from twenty-five to forty, must not be obliged to depart once from France to form or to maintain connections in a foreign country; to manage their habitual affairs, or extricate themselves from some unforeseen embarrassment. The artists likewise, and many other citizens, have they no motives which lead them to travel during these two intervals of life? But neither the merchants, nor the artists, nor perhaps any person, have perceived, have remarked at least among the three hundred and seventy-seven articles of the constitution, the article of which I now speak; and thus it is that every thing passed in the name of the French people; and thus it is that they argue from the will of the people against them,

them, and from their sovereignty to subject them.

I would wish them to explain to us the utility of this continued and uninterrupted residence; of this residence of ten and fifteen years upon the territory of France, before the age fixed for being eligible to the two councils. And they ought likewise to inform us, on what motives they consider travelling as a fault or as a bad symptom, and how they conclude that a French citizen should be less proper for the functions of a legislator, if he has acquired new information, if he has strengthened his judgment by comparisons, and if he has removed some of his prejudices.

One exception only is assigned to the singular disposition which I have been noticing, and regards those persons who may leave the territory of the republic *on a mission from the government*. Thus then all may be travellers who will beg the directory to give them a *mission*, if it be only to bring them pencils or crayons. The exception was just in principle, but it may clearly be seen that it may degenerate into arbitrary favours, and all this is by no means republican.

There is something else in liberty beside an exemption from despotic imprisonments. This exemption itself becomes uncertain and precarious,

precarious; if the spirit of the other social ordinances do not accord with it. In an extensive country the law has no sufficient force till the moment when the general opinion, and ideas of habitude, accompany and guarantee it.

Neither am I certain that the constitutional articles in the new code, respecting imprisonments, do not leave something to be wished. I observe an expression whose authority may easily be abused. It permits the executive directory to give warrants against suspected persons, but at the end of two days they must be taken *before the judge of the police*, and this judge has the power of prolonging their imprisonment, if he decides that there is ground for making them appear before a jury of accusation. All this is simple; but instead of this vague and indeterminate expression, *before the judge of the police*, the law ought to say, *before the judge of the police in that jurisdiction of which the individual put under arrest shall be an inhabitant*; for if the directory has the power of chusing judges, can it be doubted that it may find men who will do what it pleases*?

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* An article of the constitutional act says, "that no person can be taken from the judges whom *the law* assigns him, neither by

We shall find likewise that the constitution, after fixing the duration of a provisional detention, ought to have fixed the time when a man, committed by the judge of the police to a house of confinement as suspected of a criminal action, should be presented to a jury of accusation, and the time likewise when, after the declaration of that jury that there was ground for an accusation, the prisoner should be brought to a trial. These regulations deserved a place amidst three hundred and seventy-seven articles of the constitution, the greater part less essential to the security of the citizens.

It may also be regretted that the constitutional act has not expressed, in an irrevocable manner, the authority named to form the list of criminal jurors. No disposition could be of more importance to personal security, particularly when the remembrance of the late tyranny is yet strong, a remembrance which should have engaged them to proscribe, in the strongest terms, the return of a revolu-

by any commission, nor by any other prerogatives than are determined by an anterior law."

This article, when it refers not to the law, to the law mutable by its nature, does not answer my objection, or answers it in an equivocal manner. Nothing then can excuse them for not filling up the sentence, when we recollect the rights peculiar to the directory.

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tionary government, or the establishment of any other equivalent authority, for hereafter a different name will probably be given to the same idea. Do not believe that, in the constitution, you have acquired an impregnable bulwark against this kind of tyranny. Can it be imagined that Robespierre and his colleagues, with their despotic views, would not have desired to hold the places of the executive directory, rather than endeavouring to make themselves continued every three months in the committee of public safety; than labouring to render that committee commanding in the national conventional; than being obliged constantly to escape from embarrassing questions, or to evade them with artifices, and to risque thus every day the maintenance of their superiority? Executive directors, according to the new institution, they would not certainly have been able to support their credit in the council of five hundred by their speeches, but they might have charged a small number of subalterns with that function, and remaining behind themselves, in the full possession of the administrative powers, they might have terrified that council by insurrections or by threats of insurrections. The council of ancients could have given them but little inquietude, for that council has not
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the power of proposing any measure, any precaution, any remonstrance, and accusations must proceed in the first instance from the council of five hundred.

But experience has warned them, it is said, and they will never suffer the elevation of a second Robespierre. I believe it. But below his tyranny the scale of despotism has infinite degrees; and by the assistance of a prudent conduct, or a crafty intrigue; by the assistance of language, become so great a cheat in our days, I would not assert that the French nation may not be deceived a second time. This nation has genius in plenty, and in every kind; but in politics, I beg its pardon, it has very much to acquire; and from time to time it still resembles that Swiss at the apartments of Versailles, whom it has so ridiculed. "You shall not go in," cried he rudely to the unfortunate persons who came to him from without, "you shall not go in." "We do not wish to go in," replied one of them, "we wish to go out." "Very well!" said the rigid centinel, and stood aside to let them pass.

It may be regretted, on account of liberty, and for the integrity of the principles destined to secure it, that the last French constitution had not its commencement at the epoch of the peace; for during the war, the tumult

of events may favour the invasions of the executive power : they are then allowed, with the advantage of force, to explain the obscure or uncertain parts of the new political system ; and when this power is surrounded with precedents, it will become difficult to replace it within its limits.

The same reflections apply themselves to the legislative body, in its connection with the nation.

We must see with pain, that in the present order in France, there does not exist a public magistracy obliged to hear the complaints of citizens injured by an unconstitutional act of authority ; a magistracy appointed to take in hand their cause in the name of the national privileges and freedom, and constituted in a manner to obtain notice and attention from the directory and the legislators. Such an institution was become more necessary, as their natural quality of patrons, of particular representatives of a department, has been formally taken away from the members of the two supreme councils ; and as, at the same time, all the secondary authorities in the republic are deprived of weight, either by their temporary state, by or their dependence upon the directory, there is no regular, no certain protection offered to men incapable of understanding

standing their rights, and intimidated by the authority that oppresses them. And it might have been perceived, that in the vast circle of a republic, always composed of thirty millions of citizens, and amidst their loud tumult, the supreme powers will have nothing to fear from scattered complaints and insulated appeals; a salutary remedy ought then to have been provided for these complaints and these appeals, by means of an important magistracy, obliged to become their organ.

One fine sentence had been written in the constitutional code of 1793:

“ There is oppression against the social
“ body, when only one of its members is op-
“ pressed. There is oppression against
“ every member, when the social body is
“ oppressed.”

This sentence ought to have been preserved in the Declaration of Rights of 1795; it would have reminded them of the necessity of the tutelary institution I have just mentioned. This protection is in most free states established by the constitutional law; and under a particular connection, it would have been of essential service in France. France has, perhaps, more than any other country in the world, that brilliant courage that braves death and danger; but it possesses not in an equal degree

that courage of mind which is bestowed by fortitude, and the necessity of struggling against injustice; that courage which is composed of understanding and character, and which inspires a generous confidence in the friends and defenders of truth; and, perhaps, amongst an hundred thousand Frenchmen, ready without fear to face a double or treble row of batteries, there could not be found ten who, not in a time of faction, and without the spur of vanity, would dare or would wish to appear at the bar of a legislative assembly, to complain with prudence and dignity of a public injury to the rights of the nation.

I believe that one great republican object has been injured by altering, as has been done, the form and the importance of the administrations of the departments: they were composed of ten citizens, all esteemed principal men; the number has been reduced to five, and these removable, altogether or in part, at the will of the executive directory; and a right of provisional suspension is even assigned to every one of its ministers; finally, it is at the age of twenty-five that men may occupy these offices, so important, or which ought to be so important, in a republican system. The union of these different circumstances is well imagined, to place the administrations of the departments

departments absolutely in the hands of the executive directory, and to secure the perfect flexibility of the instruments to whom it entrusts them; but when it was determined to invest the whole people with the right of naming the administrators of the departments, was it wished to admit them only to a fiction? was it wished to summon them only to a kind of show—to a comedy? This surely was not the first idea; but, as has frequently happened in the plans traced by the composers of the new French government, they have at first rendered homage to a general principle, and afterwards deviated from it, in deference to the considerations of the moment, or to recent circumstances. They were placed between two difficulties. Ties of confidence are necessary to form the true springs of a republic, and thence the utility of great intermediate administrations in the midst of a vast empire; but these administrations might be found troublesome, when the governors were discontented with the public opinion, and perceived the necessity of removing all obstacles to the supreme authority. Thus, then, was the very spirit of the government that they made choice of, sacrificed to political ideas, and insensibly there remains nothing of a republican institution but its name.

But at the same time that the importance of the administrations of the departments is weakened ; at the same time that they are reduced to half the number of persons formerly required to compose them, the tribunals are forbidden, constitutionally forbidden, to take cognizance of affairs submitted to the authority of these administrations.

Let us estimate the consequences of such a disposition.

The administrators of the departments have, as their essential function, to assess the taxes, and to inspect the collecting them, and they are the sole judges of all appeals from the persons assessed. Thus, men *removable at the will of the government* will decide upon the most important and continual pecuniary interests ; they will have the authority which the kings wisely entrusted to perpetual magistracies, known by the name of the courts of aids*. These courts decided upon all appeals relative to the regularity of the fiscal exactions, and to the assessment of the taxes in particular ; and when the government resolved to assign the cognizance of certain new imposts to the intendants of the province, we ought to remember the ardent zeal with which all the par-

* Cours des aides.

liaments unceasingly exclaimed against an exception reprobated by the whole nation,

It is, however, under a republican system, that five persons, elected, it is true, in the name of the people, but removable at the will of the government, every minister of which may suspend their functions; it is under a republican system, that these five persons will be the only resource in a department offered to the complaints of the assessed. What would the English say, what would the Americans say, if they found only the men of administration as judges against the abuses of the agents of administration?

The authors of the French constitution have perceived, that the tribunals ought to be independent of the executive directory. But in submitting to an arbitrary power of removal of the administrators of the departments, they have paid no attention to their double character, of agents of the directory for the police, and judges of the citizens in appeals against the abuses of the fiscal authority.

Nor is it only in assessing the regular taxes, that men subordinate to government may commit arbitrary acts, either in obedience to the directory, or from their own inclinations; it is likewise in enrolling the citizens for war; in

giving orders for supplying the markets and the armies; in requiring, according to the times, carriages and labour, or in adopting other measures.

The magistrates will be without right and without power to restrain the commissaries and the delegates of the executive power, throughout the whole extent of the republic; but that salutary fear may be remembered sometimes, which the sovereign courts formerly inspired; not only into the inferior agents of government, but into the intendants, the commandants, the ministers themselves.

The new constitutional order in France leaves the administration absolutely to itself, which is reasonable with regard to action, but dangerous as an exemption from every kind of responsibility.

Undoubtedly there exists a gradation in the administration, which ascends from the municipalities to the cantons, from the cantons to the departments, and from the departments to the supreme directory; but this gradation does not prevent the whole power of the administration from remaining independent; it does not prevent the directory from being the only authority to be feared by the subaltern authorities; it does not prevent the directory from being the only resource of the oppressed
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in the immense circle of administration. But one single authority can but feebly overawe the thousands and thousands of agents scattered over all the parts of a vast country; and of what assistance will this one authority be to individuals, if they have to complain of an injustice, or of a vexation, of which the character may not be distinct, and at first sight striking? The prince, whether he be called king, monarch, or directory, could never understand affairs of litigation, because he is not a judge; because he could not have time to exercise the functions of that branch of authority.

Thus then the French, in their individual character; that character the most important of all; the French, obliged to complain sometimes of their assessment to the immediate taxes, sometimes of their part in other demands of the government, will have no tribunal to have recourse to, no independent magistracy as a guardian, and they will be all subjected to the decision of the five administrators of the department, *removable at the will of the directory*, which has itself the right of instantly replacing them with men of its own choice.

As a last trait in this jurisprudence, it has been decreed, not by the constitution, but by
a legislative

a legislative disposition, that the assessed persons shall be obliged to pay their taxes before they shall be allowed any representation. This is an Asiatic form.

It will be said, that individuals have the right of complaining to the legislative body; but will they be heard? and will any one dare, will any one wish to occupy a numerous assembly upon his personal concerns, at least if the question be not simple, and of notorious injustice?

Will it still be answered, that the directory, whether it removes the administrators of the departments, or replaces them with others; or pronounces a fiscal decision itself, acts in virtue of an authority of which the first title emanates from the people; and therefore the assessed person, the French citizen, is always directly or indirectly governed by his own? I have already shown the delusion of this kind of consolation; and even supposing so singular a blindness in a nation, I doubt whether we could assign to it, as a satisfaction for an arbitrary measure, or an oppressive jurisprudence, as a satisfaction for every kind of injury, one single reflection, always the same, that the five supreme governors have been chosen by the legislature, which legislature has been chosen by a collection of electors, which electors have
been

been named by a primary assembly, at which primary assembly three-fourths of the citizens will perhaps neglect to assist, and the other fourth probably receive the word of command from a small number of intriguers or of orators. Will not the representative character, so weak in its source, evaporate in so many cascades?

It is, however, this representative character, which must make amends for all, even for the elements of tyranny imprudently mingled in the composition of the supreme powers. Let us show, by some new observations, that this consolation is imperfect, and that the right of being represented in the legislative body has been rendered, for the French nation, infinitely precarious.

In the first place, observe to what restraints and chances the prerogative assigned to the electors, nominated by the primary assemblies, has been subjected.

The constitution commands these electors to separate at the end of ten days, whether they have or have not terminated their operations, and it does not express the authority that shall supply their neglect, and succeed to their right of nomination.

It must not be at once asserted, that ten days are sufficient for the examination of the
numerous

numerous candidates destined to occupy the places of judges, of administrators, and of deputies to the legislature, and for the purifications and multiplied scrutinies necessary to the establishment of an absolute majority. If the most slight unforeseen difficulties should be added to these employments, the most trifling dispute, the least disturbance, it will be found that the electors, being obliged to finish every thing in ten days, may easily see the end of that time arrive without having completed their elections.

I will, however, suppose, that the electors shall have fulfilled their task the tenth or the ninth day, or earlier if you please; but one or more of the citizens, whom they have chosen for deputies to the legislature, are at a distance from the place where the electoral assembly holds its sittings, so that the assembly cannot know their acceptance before the fatal conclusion of the ten days; and if the persons elected refuse the place which had been assigned them, behold the representative right of a department lost for the year.

I demand likewise, if it is held that the number of deputies from one or more departments can be diminished, without weakening the representative right of the nation? and I ask this question from observing, that the

total

total number of the members of the two legislative councils has been fixed by the constitution ; for by this determination it is laid under the necessity, either of allowing no deputation from the conquered countries, or of proportionally diminishing the number of the representatives of ancient France.

Is it not likewise circumscribing the right of the nation to be universally represented, to authorize, without any distinction, the council of five hundred to deliberate and make laws, when two hundred deputies shall be assembled *? Such a disposition is conveniently adapted to many affairs ; but some exceptions ought to be expressed ; above all, it should be declared, that a more numerous assembly shall be indispensable for resolving upon a war, for establishing a new impost upon the people, for introducing paper-money, and, as I think, simply for putting in danger the life and the liberty of one citizen by a solemn accusation. This importance given to the principles of justice and of humanity, and this homage rendered to the first interests of the nation, would have appeared of a perfect reason, of a sound policy, and of a good character.

* The council of 500 may deliberate with 200 members ; the council of ancients with 126.

The omission which I am about to notice, relates likewise to the national representation. Nothing is said in the constitution concerning the time of verifying the powers, and concerning the conditions previous to their acknowledgment; articles of great importance in general, but particularly when a legislative assembly is renewed, not altogether as in England or in America, but by a third every year; for this third coming to mingle with the other two-thirds, and with a majority already formed, it ought to have been foreseen, that, in times of party, that majority, merely by deferring the verification of their powers, may detain the members of the new third in an uncertain situation; that it may suspend their confidence or restrain their freedom, by filling many of them with the fear of an examination, more or less severe, according to their opinions and language.

Another method of destroying or sensibly weakening the representative right, is to leave to any majority in the legislative body, even to a majority of a single voice, the power of terminating a debate; the power of taking away from a deputy the liberty of speech; the power of forcing the president himself to be the organ and instrument of this vexation. The legislative assemblies of France have daily
presented

presented the spectacle of so disgusting an oppression; and it is of importance to the privilege of national representation, that this oppression should be restrained by a constitutional disposition.

The means which the English and the Americans have employed to attain this end, prove at least the importance which those two nations have attached to the full liberty of expression, and to the security of that liberty. It is in such a spirit that the house of representatives in England, and the house of representatives in America, erect among themselves a kind of magistracy, of which the possessor, under the name of the speaker of the house, exercises the police of the debates with an authority fully respected; and to him alone, during the whole continuance of the session, the right of granting and maintaining the liberty of speech is assigned, and never is it put to the vote whether his decision ought to be abrogated. I will not pretend, that in the legislative assemblies of France, amidst the factions that have agitated them, the prudence of the English and Americans had been sufficient; but I will only say, that if some means cannot be found of securing the liberty of speech against the imperious demands of the ruling
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party,

party, the representative right will not be complete.

It may thus be seen, under different relations, that this essential, this primordial right is subjected to very many restrictions; and yet it is this, and this alone, that must counterbalance all the powers entrusted by the French nation to its representatives, and to the representatives of its representatives. Immense powers! powers without a parallel, whose limits it will be so easy to extend or to go beyond!

How then is this right of a nation to be represented, this right, so celebrated, exercised in France? Only by the election of the electors, who are to name the deputies to the legislative body. But if the French, for the most part, do not repair to the annual and primary assembly, where these elections of the electors must be made, what becomes in reality of the representative right?

It will be replied, that if such an indifference is supposed on the part of the nation, the fault will be in that, and not in the constitution. The decision would be very speedy; but it will first be necessary to examine, if this indifference does not belong to the genius of the nation, to the extent of the country, and to the absolute extinction of every kind of order, of every kind of

of inheritance, of every kind of higher and perpetual interest proper to support and direct the love of the country and the esteem of the established government. But this question will appear more in its place when I speak of limited monarchies. The present section is destined only to consider the new social order in France, in its republican circle, and under the permanent sign of absolute equality, in fact, according to the spirit of the framers of the constitution. I shall therefore only say, that, without deviating from that spirit, and indeed in exact conformity with it, they ought anxiously to have employed themselves upon the constant re-union of the citizens at the primary assemblies, that reunion which is the elementary condition of the representative right. There might have been some inconvenience in inflicting, in a general manner, a penalty upon the negligent, but none, as it appears to me, in imposing a fine upon the landholders of a certain class, who should absent themselves from the primary assemblies without a valid reason. The motive had been a principle very just, and very compatible with the republican spirit it is, that the more property a man possesses, the more interest he has in the peaceable maintenance of the established government, and the more is he obliged to

manifest that interest. This disposition would have served to raise the quality of a landholder, and that in a manner which, from its penal turn, could not have excited any jealousy.

It is, moreover, very probable, that by fixing the attendance of land-holders of a certain fortune at the primary assemblies, it would have attracted others there, both by the ascendancy of example, and by the desire so common, of being every where and upon every business in the first line.

I shall be pardoned, I hope, for having offered some observations upon the new constitution of France, and I shall deserve to be pardoned, if in the number of those observations there is one of which the utility should be acknowledged.

It now remains for us to glance upon the means reserved for gradually repairing a political edifice, elevated by so many architects, and composed of so many parts.

It is said, Article 336, “ That if experience should make the inconvenience of any articles of the constitution be perceived, the council of ancients shall propose the revision.”

Article 337. “ The proposition of the council of ancients is in this case submitted to

“to the ratification of the council of five hundred.”

Article 338. “When, in a space of nine years, the proposition of the council of ancients, ratified by the council of five hundred, has been made at three epochs, at the distance of three years at least from each other, an assembly of revision is convoked.”

Article 339, and the following. “This assembly is formed by two members for a department. It can exercise no legislative function; it is confined to the revision of those constitutional articles only which have been assigned to it by the legislative body. The assembly of revision addresses to the primary assemblies the project of revision on which it has fixed, and immediately the assembly of revision is dissolved.”

These arrangements have an air of profound combination, and do excellently well upon paper; but bring them to execution and reality, and you will find them nothing but wind.

And first I shall say, that these three examinations, each at three years distance, are neither applicable to great corrections nor to little ones; not to great ones, because a doubt prolonged respecting the maintenance, respecting

the duration of a principal disposition, will occasion more inconvenience than its sudden alteration; not to little ones, because a legislature will never, for a slight fault, provoke the appeal to an assembly of revision.

We should laugh at seeing two councils propose to two other councils, these to two following ones, and these last to two others again, to examine, each at an interval of three years, if the constitution has done right in prescribing irrevocably, *that the messenger of the state should always be preceded by two buffars*; and the republic would be shaken from its foundation the day on which a consultation should be opened, in the same form, to know if the French people has not given powers too extensive to its deputies or to the directory.

I cite two marked traits, and in an opposite sense; others may be chosen at pleasure among the three hundred and seventy-seven articles of the constitution, some essential to the new order, the others contrasted by their little importance with the character of immutability with which they have been invested.

I will suppose, however, that an assembly of revision is convoked by the successive wish of three legislatures, each at the distance of
three

three years from the other ; its theme is given it, and it is prohibited to wander from it ; *it must confine itself to the revision of those constitutional articles only which have been assigned to it by the legislative body.* These are the words of the ordinance. But in government and in politics is it possible so exactly to extract a principal subject, that it shall remain separated from all others ? It will be, for example, the responsibility of the directory and of the ministers that they will wish to modify, and that will be denounced as imperfect to an assembly of revision. Can it occupy itself upon this question, without fixing its attention upon the constitution of the executive power in five persons, or upon the kind of action prescribed to that power ? The same with regard to the interior administration, the legislative authority, and the representative character ; the same with regard to the other parts of the social order, so intertwined that one cannot be reformed, one really essential part, without touching upon many others at the same time.

But what will happen if the assembly of revision should break its trust, and either by force or inclination go beyond the circle which was intended to confine it ? It must directly send its resolutions to the primary
p 3 assemblies,

assemblies, and instantly dissolve * itself. It cannot then rectify any error or any mistake. The primary assemblies may afterwards wish to form a vote upon the resolutions of the assembly of revision; the legislative body may oppose it, and thus, from all this preparation, nothing will result but an increase of disorder and confusion.

In general there is danger of a false step when great political questions are given to be resolved by men without power; they will have the theory, but no means of putting it in execution.

But there can be little doubt that this assembly of revision, through the three times three years that its generation must endure, will never exist; and the idea altogether, the idea of genius, to adopt the name given to it at its birth, this idea is at once, by a singular contrast, timid and imprudent, methodical and capricious.

Is not then an assembly of revision wanted? and what can be done better, either in the same or in a different spirit? Not at first to compose a constitution of three hundred and

* Article 346. "The assembly of revision addresses immediately to the primary assemblies the project of reform on which it has fixed. It is dissolved from the time their project is addressed to them."

seventy-seven articles, which they wished to declare immutable, or which were not in any point to be altered without the assent of the French people united in the primary assemblies. This was imitating the fault of the first national assembly, which had likewise collected three hundred and twenty-nine articles to form a constitutional code, and which had likewise conceived a very strange plan for an assembly of revision. I distinctly pointed out this in 1792; but authors of every kind resemble each other; nothing can stop their productive passion, and they desire to fix upon brass the most slight trait of their imagination.

I said this at the epoch which I have just cited *. A political constitution ought to be divided into two parts; the one, destined to consecrate the fundamental conditions of the new social order, conditions which, on account of their importance and their simplicity, may be apprehended by the greater part of men. This part of the constitution submitted, in consequence, to the examination or to the opinion of the whole people, would remain fixed until an universal sentiment was raised

* In a work upon the Executive Power.

against it; and at long distances, at determined epochs, the existence of this sentiment should be verified by a convocation of the *primary assemblies*. (I avail myself here of the expression adopted in France for the political re-union of the people, either in the towns or in the country.)

A small number of articles would be sufficient, in every country and in every kind of government, to fulfil the end which I have just mentioned; and thirty or forty at most, chosen among the three hundred and seventy-seven, of which the new French constitution is composed, would have fully answered that end. All the others might have formed the second part of the constitutional act, and in distinguishing it under the modest title of the primitive act, might have been equally offered to the primary assemblies, requiring them to consent that the different dispositions might be modified by the authority of the ordinary representatives of the nation.

And let not this idea be censured as derogatory to the sovereignty of the people; for it is from respect to that sovereignty that the primary assemblies should be placed in a situation to form a wish with a knowledge of the cause; but it is manifest that not only those

those assemblies, composed at hazard of all the individuals born in France, but the most enlightened men in Europe, could not judge, either at a first or at a second reading, of a political constitution composed of three hundred and seventy-seven articles; and supposing that the legislature had conceived the design of diverting the attention of the French people from the fundamental conditions of the new government, it would then, as it has done, have annexed to these conditions a great number of subsidiary dispositions, so that the genius of the most wary scrutinisers must necessarily be lost in the examination of so vast a whole: and it was well known, that many clerks have formerly rendered themselves masters of the business, by multiplying details under the eyes of the minister, terrifying him by heaps of papers, and demanding from him, without end, orders or decisions.

Thus, to serious and reflecting men, this consultation held with all the people upon a constitutional act composed of so many articles, is almost a kind of comedy; and yet, when the primary assemblies shall have said yes or no upon a single reading, this expression of their sentiments will be repeated, and their will will be seriously spoken of to awe the
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the profane, who may dare to doubt the perfection of a work so pompously consecrated. All countries and all ages have their oracle of Delphi, and men initiated into the mysteries of the temple.

It is remarkable, however, that at the same time when the legislature made this parade of its deference to the sovereignty of the people; that at the same time when it acknowledged the necessity of a formal assent and express decision from the primary assemblies to alter the most trifling part of a single article of the constitution; it is remarkable, I say, that at the same time when the convention was showing itself so respectful to the sovereignty of the people, that it should have decreed to itself, as to the successive deputies of the primary assemblies, the unheard-of prerogative of enrolling for the external war all the citizens without exception.

Certainly such a prerogative is more important and more severe than the power would have been of modifying, according to the instructions of experience, nine-tenths and a half of the three hundred and seventy-seven articles called constitutional.

In fine, and this is my last reflection upon the subject, after they had taken the part of declaring so great a number of dispositions
fixed

fixed and immutable, they should not have rendered vain the prospect of a reforming assembly; they ought not to have submitted the existence of such an assembly to the hazard of these three leaps from three years to three years, of which I have given an account; they should simply have said to the French nation, we offer you a republican constitution, which we have composed with our best abilities, but we have made it in the midst of a war and in the midst of our intestine divisions; it may, it must be influenced by these opposing circumstances, therefore we demand your acquiescence only for ten years, and at the end of that period you shall authorise the two legislative councils then existing to unite themselves to revise the constitution, and propose to you the alterations which experience and new reflections shall advise.

This reasonable language would have obtained universal approbation; it would have inspired confidence; and every one, seeing a day of appeal assured for the redress of all the constitutional imperfections with which he was displeased, would have armed himself with patience; controversies would have been suspended, and, perhaps, during the interval, milder sentiments would have established themselves, and finally permitted the
social

social constitution of France to be what it ought to be, the true representation of the public opinion and of the general wish.

I here terminate that part of my reflections which appears to belong to a methodical examination of the French constitution; but I cannot refrain from fixing my attention upon the total neglect of a first and fundamental idea in the formation of public order; it is of religion that I speak.

Let us retrace the circle that the supreme authority has gone round, in employing itself from one time to another upon so important an object. At first, hatred and the persecution of the ministers of public worship; then a system of contempt and insult towards religion itself; then an arrogant boast of atheism; then the ridiculous idolatry of a representative of reason; afterwards, by a retrograde step, came that famous acknowledgment, in the name of the French, of the existence of a Supreme Being, and of the immortality of the soul; some time afterwards, the toleration of all kinds of worship in private houses, at least the permission to employ the temples for such worship, at the pleasure of such persons as should unite themselves to defray the expenses necessary for maintaining the building, and the salary of the priest. Such is the last state
of

of affairs with regard to religion and public worship; a state undoubtedly very much amended, as withdrawing from the criminal absurdities to which they had abandoned themselves; a state which they even believe perfect, as supported by the example of America; but in adhering to the letter here, they have departed from the spirit.

It is from a full and certain confidence in the piety of the American people, that the support and expences of public worship have been intrusted to them; and the legislators of the different united states have partaken so little in the philosophic indifferences which have been so boasted of in the French senate, that in many of those states the fundamental laws enjoin the magistrates to watch over the religious observance of Sunday, and the assistance of the citizens at the solemnities of that day.

The French legislators, far from adopting any views of this kind, have distinguished themselves in the opposite sense, and after having sought to destroy public worship, contented themselves with abandoning it to the caprice of men, and they have appeared to expect with pleasure its insensible decline. They thought to adorn themselves with the principles of toleration, by avoiding every *established* religion, and they have not chosen to see,
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or they have not seen, that this word *established*, this word at which their delicate ears are terrified, expresses simply, on this occasion, the guarantee of a public worship, *the certainty of its existence*, to the aid of the precautions employed by the government; but the foundation of this public worship, its support, its duration, these different attributes of an established religion, are absolutely distinct from intolerance and from its principles.

What must be the consequences, when, in a country such as France, the government takes no care of the establishment of public worship, and of the perpetuity of a religion? What must be the consequence when the legislature itself, in dictating this conduct, believed that it was raising itself above all prejudices, and prided itself upon a neutrality, upon a philosophic impossibility, which appeared to it at once the luminous instinct of genius, and the expression of profound wisdom? The consequence must be, what may already be remarked, the entire forgetfulness of religious ideas in every place where there is no assembly of persons disposed to defray themselves the expences of public worship; and when the indifference of the government will increase every day the indifference of the nation, when by degrees, and with a dreadful
x acceleration,

acceleration, twenty-five millions of men in society will have no longer a religion, no longer a remembrance of a Supreme Being, no longer an internal wakefulness at the name of a God present to their thoughts; when no vague fears will restrain them; when no hope will appease their irritations; and when, at the same time, and amidst a scene totally changed, amidst a complete system of equality, no habit of respect and reverence will soften their manners, it will be necessary either to restrain them by despotism, or to abandon them to all the wanderings of an unbridled imagination.

The support of order, the support of liberty, the support of confidence, the support of happiness, is morality, always morality; and this morality itself requires to be assisted by a great idea, beyond the circle of our methodical reasonings, and yet easily conceivable by the people.

Thus, to abstract or separate religion from policy, is to take away from the system of the world one of the regulating laws of its harmonious movement.

Ah! let me be pardoned, if I recur so frequently in my writings to an idea which I believe equally essential to social happiness, and to the happiness of insulated man; to an idea
which

which diminishes the task of governments, and which still comes as a consoler, to mingle itself with sweetness in all the agitations of our minds, in all our feelings of wretchedness; therefore, I will own, when I beheld the national convention, that government which is now no more, and which it belongs to history to judge, when I beheld it persisting, in its evil days, to take away from men the most precious of their blessings, I regretted that I had not the authority necessary to say to so many hearts made wretched, "Calm yourselves, be not discouraged, and remain faithful to your hopes; no important thought ought to appear changed to you by the opinion of an areopagus that has committed so many errors, that has signalized itself by so many mistakes;" and to these innovators so full of confidence, it might at the same time have been said, "Do you then dream of founding a political society without any religious tie? You have the foolish design of arranging every thing by your punishments and your rewards; but obscurity will protect from the one, and the other can only apply to extraordinary actions; an universal motive is necessary for the mass of mankind and the mass of circumstances; and the register book of your honourable mentions, your insertions in the bulletin,

bulletin, even your tickets for the pantheon, will never replace the perpetual action of an internal sentiment animated and supported by a religious idea.

The framers of the new constitution had all the ability necessary to comprehend this great view; but as I have before observed, they could not go beyond the lines traced by the convention. We may likewise remark one system constantly followed by the legislators of France; they have avoided as suspicious all the succours which may be derived from the imagination of mankind; and in regarding this well, we may find some connection between their spleen against the authority of religious opinions, and the umbrage which they took so early at the ideas of honour and of chivalry, at the ascendancy of manners and of education, at principles of personal consideration, and at every kind of vague and undefined superiority: they wished to reduce every thing to positives, that they might become the ordainers of every thing; and the beautiful itself offended them, as a kind of nature of which they had not given the description, and which was out of their compartments: they have therefore always spoken of the law, because the law was their work; always of punishments, because punishments

are an effect of the law ; and they have feared, they have rejected all the moral authorities, those authorities so mild and yet so powerful, which govern man without degrading him, and elevate him by subjection.

Thus, a want of pliancy, a character of dryness, may be found at every instant in the course of the French legislation, and the constitutional code discovers the same spirit. Europe, astonished, will search in vain there to discover in what hands they have deposited the right of pardon and of mercy, to what power they have confided it. These words, so dear to souls of feeling, have not even been pronounced ; and no person, during the course of its discussion, has found that they left a void in the republican code ; no person, in an assembly of 750 popular deputies, has appeared to remember, or has ever mentioned them.

This is a single example in the world ; for free countries as well as others have always demanded that there should be a means of safety after justice ; they have perceived that this justice, inflexible by its nature, cannot comprehend, cannot go through the diversity of circumstances, and remark the distinctions, the peculiarities, which may plead in favour of the criminal for indulgence and for pardon ;
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they have believed that justice, after having fulfilled her own duty towards society, ought to leave an opportunity for mercy to exercise her's towards human weakness *. It is an ancient custom in Great Britain, to demand of the prince at his coronation, that he will swear to render justice with exactness, and, moreover, *with mercy*. America, in its new institutions, has never thought of proscribing access to pity, and has deposited the right of pardoning in the hands of the chief of the executive authority; and this expression in the ancient oath of the kings of France, *rationalem misericordiam exhibebo*, is found in the annals of the earliest times of the monarchy.

Ah! how should we not regret the empire of religious opinions, if they must preserve the chiefs of nations and their legislators from a sentiment of unrelenting severity; if they preserve to them a superior, whose mercy is necessary to them, and excite them to forgiveness in the name of their own personal interest? Yes, if we believe in the existence of a Supreme Being, this empire must

* I have shewn in my work upon the Executive Power, that the right of pardoning is even more necessary in a country subject to the trial by jury, and I have been confirmed in this opinion by the honourable suffrage of one of the most illustrious chiefs of justice in England.

be good, and if we believe it not, still it must be good; for without a general disposer, without a moral chain which descends from him even to us, where is the formal title of reciprocal duties? where is liberty? where is the right of punishment? where is the certainty of all our conjectures upon human nature? where is the first principle of our laws? Ah! these reflections, applicable to all times, deserve particularly now to be considered! The French revolution has thrown us out of the circle whose bounds were known to us; we wander since in the void of systems, and it becomes, perhaps, every day of more importance to us to be restored to a respect for old maxims and approved truths.

SECTION V.

General Reflections upon the same Subject.

PUBLIC order, internal peace, the establishment of morality in its relations, general and particular, and all the personal liberty which can be reconciled with the fundamental conditions of political societies, these are undoubtedly the first benefits which the legislators of France ought to have secured to the nation; but the convention, in confiding to eleven persons the care of marking out the means which might conduct to so great an end, had fixed certain principles from which its guides or commissioners had not the power of deviating.

They desired order and peace, but with absolute equality, and in the midst of twenty-five millions of men, called to one point of ambition, to one point of rivalry; in the midst of twenty-five millions of men collected, gathered together tumultuously round one single passion, and solemnly affranchised from sentiments of reverence and habits of respect.

They desired liberty, but after having proscribed the federative system of the Americans, and entrusting to one sole supreme authority the indivisible government of an agitated multitude, and appointing likewise a task to that authority, which it could not always fulfil without some arbitrary measure, without some assistance of despotism.

They perceived the value of an uniform and regular conduct on the part of the legislators, but they refused to give to the men in power that settled interest which only can be had from property; for in consequence of the new principles, fortune became a superiority which ought to be comprised in the proscription of every species of aristocracy.

They desired likewise morality, but without any assistance of religious ideas, without a fixed public worship, and without any education proper to unite, at an early period, in the minds of the people the abstract love of virtue with the feeling love of a God, rendered present to their thoughts by all the precepts and by all the promises of religion.

These were the difficulties, the resolution of which was entrusted to the framers of the new French constitution. Could they possibly overcome them? Undoubtedly not; the imperfections, therefore, inseparable from that code,

code, ought not to be imputed to the commission of eleven, but to the general spirit, such as had been raised and prepared by the constituent assembly, and completed by its successors.

A sudden and complete amendment is impossible at present; and experience, with all its authority, will alone have a right to give this command. But there are modifications that may lessen the danger of principles and opinions, whose empire it is now too late to reject, and I shall annex to this consideration a small number of reflections.

The political and moral order of France is such at present, that men sage and honest, and of the best capacity, would not suffice for the government; it requires men of a character extremely decided; men, perhaps, whom esteem and confidence would not have pointed out the first; it requires such men to govern, from a single centre, an immense population, ranged upon the same line, and destined to all the fermentations of equality. Thus at the same time that this equality appears to enlarge the circle of candidates for authority, it diminishes the number of men who can possess it. But they had been under the necessity of casting an idea among the people, which they were in a state to seize

with ardour and enthusiasm; and after thinking only to form it for attack and destruction, it must be difficult to give it a nature favourable for preservation and permanency. But if they were once struck with the inconveniences attached to a fictitious equality, the parent of so great a real inequality, they should then request the legislators to moderate their fulsome adulation, of the multitude; they should request them to cease to debase the superiorities of education, by decrying, as they do with so much pleasure, gentleness of manners and propriety of language; they should above all request them to cease to represent fortune as a kind of usurpation, and to mark out the possessors of riches as victims devoted to all arbitrary sacrifices.

They may, among the different moral superiorities, give the preference to those that are most analogous to the republican spirit, but they ought to chuse some, and admit and favour them, as a necessary assistance to the government, particularly necessary as exempting them from having recourse to despotism to keep in peace an immense population. And unfortunately for the faulty circle of the French constitution, considering it in its two fundamental bases, the unity of the government and absolute equality, this unity demands,

mands, in the name of liberty, a train and a gradation of conventional superiorities, whilst absolute equality rejects and combats them all.

If before the three times three years, before this epoch assigned by the convention itself for the term of the respectful homage due to the three hundred and seventy-seven articles of its constitutional invention, due implicitly to that fixed quantity of its thoughts; if before this epoch they cannot give to the administrations of the departments their ancient condition; if they cannot, one day sooner, distribute the functions of authority in a manner more conformable to republican ideas, and to the wise combinations of the legislators of America; if they cannot do this, they ought at least to support, on every occasion, the importance of the trifling intermediate authorities that they have suffered to subsist; and the executive directory should be careful to use sparingly the prerogative which has been assigned it, of vacating those authorities at its pleasure; the prerogative which has been assigned it, of reducing the administrators to the state of mere clerks, and exposing them to the discredit inseparable from a servile dependence. The republican government exists only in appearance, where a sentiment of confidence

fidence does not compose the first element of its authority. It may be strong by other methods, but by this only is it republican.

A man of genius, M. the Abbe Sieyes, in criticising the last constitution of France, distinguishes the new government by the name of *re-total* instead of *republic*. The expression was neither sufficiently clear nor sufficiently harmonious to make its fortune; but it would be, to my eyes, the mark of a judicious observation if, as we may believe, the philosophic orator then fixed his attention upon that *totality* of the French citizens called upon to come once a year and give their suffrages in a primary assembly; if he fixed his attention upon that *totality* of the French citizens called upon, in the name of equality, to the search of an innumerable multitude of functions and temporary powers; and if he perceived at the same time, that this generality of action, this universality of movement, still did not constitute a *republic*, still did not form its spirit and its real essence.

Yes, other conditions indeed are requisite to excite and to maintain the union of interests and of wills; and the right or the permission of going once a year to give his vote in the primary assembly is but little towards making a
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man free, and creating a republican. A constitutional writing is but little, likewise, towards establishing confidence; and when this writing has preceded manners, we cannot be assured whether it springs from an organization purely speculative, or a continual shock of pretensions, or a just measure of liberty. It would be necessary, perhaps, that a nation should be associated with the public authority, more by the ascendancy of its opinion than by any other manner; and it must be wished that, by the same stroke we could make it enjoy that credit, and render it deserving of it. However, they who wish to strengthen the party of honest men, to inspire it with courage, and make its alliance sought, ought to attend the primary assemblies, and attend them assiduously.

I am not searching here for the defects or the imperfections of the French constitution, but the means of attaining with that constitution the greatest possible good. This method appears right to me, and I follow it. I request the legislative councils, in this spirit, and in the name of a great public interest, not to abuse an article of the constitutional act, which authorises each of the councils to form itself into a general and *secret* committee for the
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the discussion of affairs *. They may risk for the republican government the loss of its best attribute, the tacit association of the public opinion with the deliberations of the legislative body. Above all let them take heed of the danger of mysterious sittings upon the subject of finance. They can serve only to alarm the public mind and bewilder the observers. It is bad policy, let what will be the situation of affairs; for the particular advantage of publicity to a government worthy of credit is, to assist it in extricating itself from the greatest embarrassments. The account rendered in 1781 strengthened credit in the midst of the war, and strengthened it in a surprising manner; it presented, without doubt, a balance between the revenues and the ordinary expences; but its effect would not have been

* Article LXVI. "Upon the demand of an hundred of its members, each council may form itself into a general and secret committee, but only to discuss, and not to deliberate."

It is singular, perhaps, that they should have given a double facility to the council of young men, compared with that given to the council of ancients, to exempt itself from the national inspection; and such will be the result of a disposition, which makes the resolving into a secret committee depend upon the same number of votes in both councils; for an hundred requirers, the determined number, compose two fifths of the council of ancients, and only one fifth of the council of young men.

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less favourable if, by the side of a deficiency, it had placed the expected produce of a new tax, as is practised in England. Nothing must be dissembled in finance if it is wished that confidence should be established; and this maxim applies more rigorously to a country such as France is at present, to a country where the political constitution places men but on a passage through all the authorities; for there exists then no permanent guardian of systems of finance and of their accounts; we see a deposit of ideas and of information, but no certain keeper of the deposit; there are archives without archive keepers; they ought, therefore, more than ever to enlighten that perpetual being called the public. There will be no want of *masters of accounts*, provided that there is no gap, no interruption in the confidence of the agents.

When a whole nation is gathered together round the finances, there must be almost a formal design of avoiding credit, if they do not possess it; for, in such a situation, frankness and fidelity are sufficient to obtain and to preserve it. Frenchmen! since I always must love you, I give you these two secrets, be willing to accept and constantly make use of them. Yes, FRANKNESS and FIDELITY, these are the virtues that compose the genius
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of financial administration in its connection with public credit. And can you despise this credit? can you insult it when its source is so pure? or will you, in extraordinary circumstances, recur in preference to forced loans, to arbitrary requisitions, or to the infamous fraud of paper money? Certainly this would be a fair choice, and particularly worthy of the friends of liberty! The depreciation of credit, or its loss through ignorance and misconduct, lead directly to despotism; for unlimited resources are necessary in extraordinary times, and when confidence refuses them, tyranny is there to seek them and engage for them.

A sort of harmony in all the actions of a government is likewise necessary for credit; for it is never itself by insulated traits; and it is only to a great whole that sentiments of confidence will render themselves, that esteem and admiration will submit. The masters of France may justly be reproached for having conducted themselves till the present time as by chance, or in a vague manner; they have had no coherent plan, except for the war and for the aggrandisement of their authority; but in all their administration, and particularly in the finances, they have gone here and there, without a fixed rule, and without any
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certain principle ; and if this is not always perceived, it is because, in the most opposite measures, they have employed the same phrases and the same maxims ; and because in their decrees, always from circumstances, they have spoken much more to the moment than to ages, much more to their enemies than to their fellow citizens, and much more to the people of Paris than to the people of France.

The new government must necessarily adopt another system, an uniform or regular system, at least in its principal parts. Can it, however, do this, when all around it is changeable and transitory, and when, from the highest rank to the lowest steps of authority, the active interest in public affairs is circumscribed within so small a space of time ?

There will be very much, however, to demand from the chiefs of the new republic ; for among the different means of lessening the defects, and palliating the faults of a social constitution, the best of all is to govern well, not only with regard to external power but with regard to happiness. And is it not for this, is it not to defend this happiness that power itself is necessary ? O you whom I know not, and who will be called upon by suffrages to watch over the interests, to direct the destiny of a great nation, make yourselves esteemed, make yourselves beloved by it, and
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you will supply, during the duration of your power, the insufficiency and the imperfection of political laws. There are bonds and connections between men, which are the work of nature, and these valuable reins can never be broken. With these the social movements may still be guided amidst the neglect or contempt of the constitutional legislator, amidst the elements of anarchy which he may have left subsisting ; and the character of the French nation has beauties which favour every kind of emulation ; this is a handle for the chiefs of the state, which may efficaciously serve all their views if they are liberal and generous. Above all, let them not forget one supreme truth, a truth of all times and of all ages : a center of opinion is necessary in the social world as it is necessary in government ; and it is only from morality, and the respect paid to it, that this center of opinion can exist. All other rallying will form only a transitory coalition, and the assistance which may be expected from delusion and fanaticism, an assistance inconstant from its nature, will serve as a perpetual food for interior troubles. The opposition of parties, the struggle of factions, these contrary movements, of which an artful politician believes he can avail himself, are a deceitful resource ; they may sometimes
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deliver the government from an immediate danger, but they habitually augment its difficulties.

Nothing can supply the succour and mediation of public morality; and after its strongest tie has been broken, it is at least necessary that the chiefs of the state should apply themselves to give a commanding example to the people, by showing themselves humane, generous, pacific; by showing themselves faithful in their engagements, and just towards all the world: they should fear even to allow themselves any deviation in the pretended name of the public interest. The word interest is dangerous, when men have been placed in a situation where their own calculations are become their only guides. The distinctions which a legislator allows to himself, an individual will adopt in the circle of his connections, and thus there will be nothing fixed in the code of duties. How then can it be hoped to keep twenty-five millions of men in harmony, and twenty-five millions of equal men? It is not by municipalities, by judges of the peace; it is not by their bounded influence that this can be attained; something is necessary more fine, perhaps more rapid still, than despotism.

Ah! what difficulties has not a government

ment to overcome, when a sudden revolution has shaken every thing, when it has respected nothing, and when it has changed, almost in an historical moment, the forms and elements of the social world. Genius itself, if it had directed this universal derangement, would have the appearance of chance.

I venture still to give one advice, and it is to the executive directory. The five individuals of whom it may be composed will never at any time be in proportion with the extent of their authority, with the height of their rank; the directory will therefore do wisely if it seldom shows itself in public; on the contrary, it ought to direct all its attention to keep itself in shade, and to render itself vague, abstracted, to use the expression; and the necessity of this management, if experience shows it, as I doubt not it will, will afford a new proof that respect is dependant upon an infinite number of moralities, and how they are deceived, who believe they have done every thing, when they have fixed in a constitutional code the rights, the duties, and the gradations of command.

The executive authority in France will often be obliged to borrow the magic forms of royalty; and the indivisibility of the government,

government, which will render this resource necessary, will facilitate its success; for in the midst of a vast country, this indivisibility will place the supreme directory in the distance, and give it the means of escaping from the attention of the greater part of the citizens. But is that society of twenty-five millions of men a republic, where, on account of that immense population, the first authority is forced to have recourse to monarchical manners and customs to assure to itself respect and obedience? No—it is then only a republic in appearance and in name. There is no king there, but there is royalty, and royalty always in suspicion, always in defiance of itself and its supporters. A republic, in the sense in which that form of government captivates the interest and the love of generous minds, the interest and the love of the serious partisans of liberty, is a social institution, where order is supported by the public spirit; where virtue strengthens the political bonds; where confidence is maintained without artifice and without falsehood; where the communication between the nation and its magistrates is open and easy; in fine, a republic, in the sense in which that title associates the ideas of repose and security, is a kind of government of a family, where

an affectionate sentiment always distinguishes itself, and where fear never mingles but at the moment when the very foundations of the union begin to be weakened and changed. These are the primitive characteristics of a republic; these are the conditions of that political system that have deserved esteem, and made its renown.

One question may nevertheless be put to the censurers of the French constitution, to the men who refuse that fulness of admiration with which others declare themselves so penetrated. Will not the new republican government, with its imperfections, be able to support itself? and if it supports itself, will any other answer be necessary to all the objections made to its form and constitution? Yes, undoubtedly another answer will be necessary; for a political constitution may support itself more or less time by considerations totally foreign to its merit, and the history of the world offers every where the proof of this truth.

There are countries where a perfect administration covers all the defects of their political constitution; the people find themselves happy, and they never have recourse to an analysis, to examine if it is according to rules and avowed customs.

Every thing is collected in the qualities of men when they are believed eminent, and, perhaps, they are to the law what nature is to the works of art. Thus, when a throw of the dice brings to the helm of state, in a republic, citizens above the common level in their genius, in their virtue, in their wisdom, and in their courage, and endowed likewise with the character necessary to live in harmony, nothing will be seen but them, and they will appear, during their authority, the constitution itself, and all the constitution; but can this throw of the dice be hoped? can it be expected?

There exist likewise countries, treated with so much predilection by nature, that a wisely instituted government becomes for them a secondary good rather than a principle of life, a favour rather than an absolute necessity. In the number of these fortunate countries France occupies the first place, and there is none to which this Italian phrase, *il mondo va d'a se*, can apply itself with so much justice. I believe, in contemplating most of the countries of Europe, that if they had been subject to those ignorant and ferocious laws, to those laws called *revolutionary*, and decreed in the name of the national convention, half the inhabitants would have fled;

fled; but in France a fine sun remained, a pleasant temperature, a fruitful soil, and happy recollections; all these ties detained them a long time near the scaffold, near the monsters in possession of the most absolute authority. Besides, it is but too certain, that men depart from liberty, they depart even from public order in its perfection; and yet a social combination, which should not afford the security of these two great advantages, would not be less susceptible of objections or of criticisms, as it would still be if, despised by some and detested by others, it was become a continual source of agitations.

The constitution announces itself at a distance under similar signs; but the French have all of them the fatigue of unhappiness; they have been broken or bent by events of a supernatural force; and after having felt the severity of a long oppression, they no longer form desires that belong to a different situation; their wishes are bounded, and they will be content if they can believe in the suspension of their inquietudes.

A horrible tyranny has prepared them to reckon among blessings the security of life. What favourable auspices for a new government! So little will be demanded from it in its commencement, that it must be very unskilful

unskilful if it does not make itself immediately approved.

The public spirit too is weakened, and it will languish a long time; the inevitable effect of an unparalleled catastrophe and of an unexampled persecution. Individuals have lived so long amid private troubles, that they have lost the habit of associating themselves with the general interest. Personal dangers, when they attain a certain height, overthrow all relations, and the loss of hope almost changes our nature. We require some little happiness to give ourselves to the love of our country; we must have something superfluous from ourselves to give any thing to others.

It is by their moral branches, if I may so express myself, and not by all their sentiments, that men united in society seek and meet each other; separated, agitated by their individual passions, they are far from resembling the stately and quiet oaks that, approaching each other in our old forests, united themselves equally by their roots and their boughs. It should however be expected that this fear will calm itself, and the image of the past growing fainter every day, censure will by degrees recover its activity; but it

will not so soon become embarrassing to the depositaries of the supreme power.

There can be no doubt that they will abstain from comparing the new social order with a political constitution wisely organized ; with a federative republic ; with liberty placed under the safe-guard of a limited monarchy ; it will be constantly compared with the despotic or military governments of Europe ; or if it should be opposed to the ancient system of France, they will select the period distinguished by the greatest abuses of authority, and will take advantage in their reasoning of the advantages attached to these different parallels.

We must likewise consider the number of partisans given to the republic by the creation of an infinite number of land-holders ; a creation owing to the system of confiscations, and to the stock-jobbing in assignats. These new land-holders are in all the exultation of prosperity, and they emulously demand and wish that this exultation should be taken for republican enthusiasm.

Nor is it only by changing all the land-holders, that the promoters of the republic have procured supports for it ; it is likewise by following in its plenitude the counsel of Machiavel, and changing every thing that existed before,

before, every thing without exception, not only the political order but the civil order, customs, names, forms, manners, and in composing a new world, where the traces of the old one shall be no longer discoverable, and where regret can only be preserved by the perusal of history.

We must observe too, that there exists a confederacy of men, interested by every kind of personal considerations in the support of the existing government, which is become a retreat for them. They will concert together, they will understand each other, and thus there will be a harmony of actions, a harmony of wills, which, without being inherent in the constitution, will serve as the re-union of its discordant elements; and if it should suit this confederacy, that the constitution should be infringed in different parts, no obstacle of force will oppose them. A zealous orator may denounce the usurpations of the executive power, but a majority secured in the council of five hundred will demand the order of the day; and the council of ancients, in its constitutional quality of deaf and dumb, cannot, as they know, hear any thing, or say any thing, till it is called upon by the five hundred to make use of its faculties.

We must see the new constitution out of
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the hands of its first parents, out of its own house, if I may say so, to judge what it may be in itself and by itself.

We must likewise see it out of a time of troubles; for factions excuse, and sometimes even ennoble all the measures of a government; and in democratical countries it is in a calm, it is amidst the *ennui* of uniformity, that critical observations multiply themselves, and that the popular magistrates find it difficult to support their importance; it is then too that they may prove more clearly, that the peaceable guarantee of public order, an idea apparently so simple, is yet a great task for new masters. We may almost apply the well known words of Montagne, to which he gave a different application, "They find (said he) all the first steps little and easy, but the last cannot be got over on account of its height."

More of manners, more of religion, more of paternal authority, more habits of respect, even more prejudices favourable to sentiment of respect, and from claims all equal among twenty-five millions of men. What preparatives for a durable order!

The present and the approaching time can throw no light upon the long futurity to which political constitutions are destined. At present,

sent, nothing is in its place, nothing is subject to its natural movements or approved rules; and with regard to social discipline, the nation, between its preceding masters and the governors which it expects, the nation, if I may so express myself, appears to be between Sunday and Saturday*.

However, it ought to be foreseen, that the word republic will continue to exercise its magic over the public mind. The people will believe it a word synonymous with liberty, and they will receive for a long time, under the title of accidents, all the exceptions to this idea that the political order may demand. Arbitrary dispositions, rigorous severities, and speculative partialities, will be offered to them as means of defence, which unexpected opposition or secret plots have rendered necessary. The country, moreover, is so large, that the complaints of many parts of the republic will not be heard in the center, or will be heard but feebly, particularly as that center, the tumultuous Paris, shall have become, as must be expected, the point of reunion of all interests and of all curiosities, and when people will resort to it from the extremities of Europe, to enjoy a new spec-

* En férie.

tacle, and to partake in youth of the various consequences of liberty of behaviour, exemption from deference, and dissoluteness of manners. I do not exaggerate; a kind of perpetual carnival will favour the enterprises of the supreme authority; it will give fêtes; it will leave the people to laugh and enjoy themselves, provided the people will leave it to govern, and the policy of Venice will, perhaps, be adopted by the French government.

I see something more elevated, more imposing in favour of the republic; it is its external power; for this will make the citizens proud, and inspire them with interest for the social order, which procures to their nation so great a military superiority.

Foreigners will support this sentiment by their astonishment and by their admiration; for they never consider a state but in its external developements; and thus it is that tyranny is encouraged by that part of the theatre of the world that only judges at a distance.

We can know nothing to contradict this. The political dispositions adopted, till now, by the French, are essentially, and almost all, with regard to, and to the advantage of their force; and when a whole nation, without any exception, without any distinctions of condition
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and of persons, will consent to take up arms at the will of the legislature, what military power can be put in comparison with such a levy amidst a population lately of twenty-six millions of men, which may perhaps rise to thirty by new additions of territory.

Can we also point out the limits of financial power in a country, called upon by nature to great riches, territorial and commercial; in a country, when the measure of individual sacrifices depends upon a collection of men who unite to an indefinite authority a representative character, and who can even reach the last resources with the action of despotism and the forms of liberty? Would the assessed person fly? they go immediately to real property by means of requisitions. Are promises necessary? they make them. Is it necessary not to observe them? they break them, and the public opinion, formerly so dreaded by the most powerful monarchs, conceals itself now, and appears intimidated before the number of suffrages that proclaim a legislative disposition.

Undoubtedly, the full and entire liberty of arbitrary measures cannot be reconciled with ideas of order, with ideas of happiness; but I speak here of force, and only of force; I speak likewise of a country where the people are
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detained by every kind of tie, and where the government may abuse at ease all the blessings which nature has scattered there profusely; a pure sky, a pleasant temperature, the abundance and diversity of the fruits of the earth, the union of the fine arts, the spirit of Frenchmen, and all the charms which make their country a place of delights.

We can, in imagination, figure to ourselves a country so beautiful and so richly endowed, that to dwell there we could submit, as a price, to degrees of oppression, yet unknown; and it is thus that we may account for the kind of support which a faulty constitution or a bad government may expect, and for a long time, from the inhabitants of France. They have nothing there on the part of the leaders of the state and the legislators on which they can pride themselves, but much to continue to possess.

I do not say that they ought necessarily to renounce the hope of that portion of the public happiness, the principal direction of which is in the supreme authority. They are still journeying on, but they have passed through every excess, and there remains no new station but that of wisdom; there perhaps they will fix instantaneously. The French, like young men, whom they resemble in their faults and
brilliant

brilliant qualities, will never be instructed better than by themselves; but a rapid succession of events has strengthened the authority of example; it has multiplied warnings; it has, if I may so express myself, supplied experience with food, and they will have henceforth, or at least for some time, more confidence in lessons drawn from the past.

Finally, after all the celebrated epochs in the revolution of which we have been witnesses, there yet remains one to come, and it will be the solemn æra. Its title is already prepared, and it will be called the æra of reason. Till then, every thing in opinions will be fluctuating, and we shall behold nothing but a tumult of factitious ideas; but at that epoch, which ought to be expected as the final term of human affairs, the sovereign authority will be no more abandoned to words; they will have had time to study them, to understand them, and to fix their true sense; they will have had time to see all the rallying phrases, all the studied maxims wear out or alter in their forced circulation, and they will wish to consolidate the public happiness without the intervention of impostors or of fanatics. Then the nation, not upon the perilous promise of its representatives, one for fifty or sixty thousand,

thousand*, nor even upon the approaching authority of its new lords for *myriagrams*, but upon the faith of a general opinion, slowly and strongly enlightened, will perhaps unite in one common wish; it will say, this is wanting in our republic, if we always chuse one; or this is wanting in monarchy, if we judge it better for repose and for liberty. That moment must finally be expected, experienced by all nations, that moment when, after a long balancing, objects become fixed and subject to the calculations of the great mass of men. But they must suffer themselves to be instructed by time, by that great institutor, who summons to himself all the disputes of reasoning, all the strife of vanity, all the wars of irritation. Undoubtedly it is allowable to discover our thoughts upon a system, and upon political principles closely connected with the interests of all nations; it is likewise allowable to express our doubts concerning a work of man; but when we leave these general ideas to fix our attention upon the particular circumstances of France, we can feel but one sentiment, and desire that it may make in peace the experiment of its new political ordinance.

* According to the measure of the majority.

A continuance of fermentation is, perhaps, equally contrary to all parties; for if it prevents amendment it likewise prevents repentance; thus, whether to perfect the republican order or to accomplish its change, it is peace and only peace that every one ought to invoke. Alas! who is there at present that finds himself benefited by measures of violence? Who finds himself benefited by having abandoned the great ideas of morality? No one; without one exception, no one. Vengeance has followed vengeance, and still will follow it. I may perhaps deceive myself, but I know not whether, at different periods of the French revolution, a conduct strikingly virtuous and magnanimous would not have better served one or the other cause than the terrible policy which each has chosen; and following this thought, in that independence of opinion which solitude and a renunciation almost of the world allow me, I have fixed my attention upon a monarch, who, among the French princes, has most engaged my respect and admiration; I have fixed my attention upon Louis IX; upon a king who, always ready to sacrifice his dearest interests to an idea of duty, and to an idea constantly associated with religious sentiments, did not the less surpass all the sovereigns of the earth in reputation of

wisdom and in real courage ; and representing this prince, now at the commencement of his career, and the next heir to the crown ; beholding him attentive to the situation of France, to its past calamities, to the general acceptance of a republican government ; beholding him likewise deeply affected with the private and innumerable miseries which continual insurrections cannot fail to produce ; and beholding him struggling with the common rules of ambition and the sentiments peculiar to his elevated mind, I have boldly fancied that he would address to the French nation a declaration in terms like these :

“ FRENCHMEN ! during nine hundred
“ years, thirty-three kings of my race have
“ occupied the ancient throne of Clovis and
“ of Charlemagne ; and a long time before
“ that, they were dukes of France, and the
“ first persons in the center of the monarchy.
“ My ancestors have served the state, each
“ according to the measure of the talents
“ which nature had dispensed to him ; but
“ almost all have led your fathers to the fields
“ of danger and of victory, and fought in the
“ first ranks. The rights of my birth called
“ me to the same duties, and my heart tells
“ me, that I should have fulfilled them, if not
“ with success, at least with an unbounded
“ ardour ;

“ ardour ; and assuredly, I should have felt,
 “ with all the faculties of my soul, the un-
 “ equalled honour of being esteemed the chief
 “ and the representative of a nation illustrious
 “ by so many claims. The decrees of Pro-
 “ vidence have ordained differently, and in-
 “ stead of the transcendent destiny which
 “ appeared to be promised to me, Heaven has
 “ willed that I should be the first of a race
 “ unhappy by recollection and regret. The
 “ God of the universe is above us all, and
 “ the fortune of kings, like the prosperity of
 “ private men, falls at his will. Ah ! if only
 “ a rival had been given me to combat, all my
 “ blood should have been shed, before I would
 “ have consented to yield him even the most
 “ trifling portion of my glorious inheritance ;
 “ but I cannot now defend my rights, or en-
 “ courage my hopes, but by troubling the
 “ repose of a beloved people, and maintaining
 “ there an intestine war. May that people
 “ then be happy, if they can be so, in the
 “ new government which it seems they have
 “ chosen. I have felt for all their calamities ;
 “ I have suffered in their griefs ; I have bled
 “ in their wounds : I wish not that my cause
 “ should renew or perpetuate those calami-
 “ ties ; and reduced now by adversity, to be
 “ able to serve the French nation only by for-

“ getting my rights, and separating me from
“ myself, I make the sacrifice with courage.
“ The ambition which I lay down might yet
“ have flattered me long; but I love better
“ to renounce its inconstant enjoyments, than
“ to be obliged to wish the renewal of the
“ intestine divisions of France, and of the
“ dreadful convulsions to which so many ci-
“ tizens have been victims. I would have
“ sacrificed my life for the good of the French,
“ and by a greater sacrifice I will attempt to
“ humble it in obscurity. Heaven, that has
“ endowed me with an ardent mind and an
“ impassioned heart, will know my efforts, and
“ perhaps support me in the painful attempt.
“ May I however remain always in your re-
“ membrance! May I be present there, if the
“ political system which you have chosen,
“ should not answer your hopes! if, reas-
“ suming one day the opinions of your an-
“ cestors, you should again believe that a
“ single chief can appease the dangerous
“ struggles of so many rival passions; that he
“ can restore to you again every generous
“ sentiment, by delivering you from so many
“ motives to hatred and envy; and that this
“ single chief, if he is rendered illustrious by
“ the monuments of past ages, can represent
“ with honour and with simplicity the great-
“ ness

“ nefs and magnificence of the French na-
“ tion ; finally, if oppreffion fhould fucceed
“ to the liberty which you defire, and which
“ is promifed you, and if you fhould have a
“ yoke to break, I will haften to mingle with
“ the citizen-foldiers who defire to combat
“ the tyrants and their tyranny, and to unite
“ myfelf till death to the intereft of their
“ caufe, and in the defence of their rights.”

Such is the language which, amidft exifting
circumftances, I attribute in imagination to
LOUIS IX. in his youth; a prince extraordi-
nary in his own time, and who would appear
ftill more extraordinary in ours. This lan-
guage, perfectly accordant with his rare cha-
racter, and confequently ftamped with the feal
of truth, would have multiplied the number of
his partizans in France and in all Europe; but
this would have been the reward of pure vir-
tue, and he might have enjoyed it without
remorfe and without reproach.

END OF THE THIRD PART.

~~the and magnitude of the French re-~~

~~volution; first, it is a revolution which should succeed~~

~~to the liberty which you desire, and which~~

~~is promised you, and I will not have a~~

~~voice to break, I will rather to mingle with~~

~~the tyrants and their tyranny, and to unite~~

~~myself to the death of the interest of their~~

~~cause, and in the defence of their rights.~~

~~Such is the language which should exist~~

~~to the imagination of a Frenchman.~~

~~It is in his voice, a voice extraordinary~~

~~in the history of the world.~~

ON THE

FRENCH REVOLUTION.

SECTION I.

Federative Republic. Example of the Americans.

THERE are two primary conditions, two political elements at war in the French republic; perfect equality and the indivisibility of the government.

The union of these principles is, I believe, irreconcilable with order and with liberty in a great state.

The indivisibility of government, considered in a general manner, obliges it to make all the legislation, all the administration, and all the dispositions that found and preserve social subordination, proceed from one single focus, from the same center.

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This design is not far from the aim of despotism, and the attempt cannot dismay; for it multiplies the means of tyranny, and renders them more rapid in proportion as the circumference of the authority enlarges itself.

But if they wish for the happiness of man, to avoid the use of those dreadful means, they ought then either to renounce the system of perfect equality, that they may give to authority all the assistance arising from ideas of deference and sentiments of respect, or to renounce the indivisibility of government, that they may circumscribe the task of the supreme power within limits, which may afford the hope of reconciling order with equality.

America presents the model of this last order of things. The states of which it is composed have each their particular government; but by the bond of a federative government they form only one nation, and it is to this federative government, under the name of congress, that they have entrusted the supreme direction of all their common interests; commerce, money, the public roads, alliances, peace and war, and the care of giving aid to the political bodies of each particular state.

Thus, by a double service, the federative authority prevents the division of the interior government from weakening the national power,

power, as it likewise prevents the political bodies of each state from being shaken by the commotions inseparable from the system of equality; and moreover, by the effect of its federative institution, America, without losing any thing of the external splendour which belongs to great states, can preserve those domestic manners which are the attributes of small ones.

Admirable system! and the only one applicable, I believe, to a vast democratical republic. Admirable system in itself, and which can bear comparison with every kind of political organization! It was towards a government of this kind that the conventional legislators ought to have turned their attention, when they wished to form a community of twenty-five millions of men into a republic; but without ever examining so important, so deep a question, without ever making it a subject of deliberation, they have converted the word federalist into a word of opprobrium, as they have the words royalism and aristocracy. This was beginning at the end; and such, if we take notice, has constantly been the political conduct of the dictators of France, even from the date of their first magistracy, the initiative reign of the constituent assembly.

They degraded the executive power, before

they examined whether that power was not, in the social order, the corner-stone.

They ridiculed royalty, before they examined whether, for the indivisible government of an immense country, the majesty of the first rank was not a wise and philosophical idea.

They degraded the ministers of public worship, before they examined whether the numerous class of the people could separate the respect due to religion from the contempt cast upon its interpreters.

They discredited religion itself, before they examined whether morality could dispense with that support.

They provoked foreign powers, before they examined whether it was advantageous to France to engage in war with them.

They destroyed all the existing taxes, before they thought of their substitutes.

They adopted all the signs of the most trivial familiarity, before they examined whether equality itself could be reconciled with the public order.

They, as I have before said, rendered the federative government an object of hatred, before they had examined what it was in itself, and in its relations with the principles of absolute equality.

In fine, they have discredited all old ideas,
before

before they examined whether they could find, in the new ones, wherewith to form a good social system; and they avoided the authority of examples a long time before they were certain that it was a glorious originality to compose a moral and political legislation with what was abandoned by experience and rejected by reason.

The last French constitution is a commencement of expiation for so many errors occasioned by an ambitious vanity.

It cannot be doubted, that the authors of that constitution had fixed their attention upon a known model; but in endeavouring to imitate the supreme government of America, that government so well concerted, they have changed its principal traits; they have taken from it the two houses, but the passive state of one of them, and its monosyllable language, are their own invention; they have placed the executive power apart from the legislative power, but they have rejected the prudent connections which the Americans had established between these two powers, of which I have already given an account. But the great and total difference between the two constitutions is, that the French, after having exaggerated the principle of equality consecrated by the Americans, after having extended

tended it even to an indifference for the quality of a landholder, after having even incruited their habitual manners and behaviour with it, have united the unity and indivisibility of the government, a condition incompatible in a great state with the principle of equality.

America has likewise this extent of territory; it has likewise equality in a certain measure, but it has not the unity and indivisibility of government; and this difference, which has not been taken into account, this difference makes the whole.

The only supreme authority, which relates to America as a whole, is a federative authority; an authority secured by its object and its nature from continual contests with the interests and with the passions of men. That delicate part of civil and political authority is exercised by the particular governments of each state, and these states at present have, upon the mean measure, a population equal only to the population of a single department of France. How will they endure equality when time shall have increased them? Our descendants will know. Let us restrain ourselves to remark and recollect, that the supreme authority, deposited in the hands of congress, under the name of federative, governs not the particular

particular states, but that it serves as a guardian to their political organization, that it supplies the office of foreign guarantees, sought for by the little states of Europe for the stability of their domestic government.

Let us again remark and repeat, that, by a happy re-action, the political bodies of the particular states of America serve as a support to the federative authority, which they have established all together for the direction of their common interests.

Let us remark too, for the first time, that every thing in that ingenious system is in support of equality; for the particular authority of each state relates to a small number of men, and the universal authority of congress to a small number of interests.

Thus in a vast country, where the legislators wish to unite order and liberty, and where at the same time they find themselves compelled to reject the idea of a limited monarchy and of a federative republic, they ought at least to approach to the essential spirit of those two constitutions; the diminution of the task of government when they aim at the greatest equality; the support and high consideration of the supreme power when they wish an indivisible authority. It is in these two methods that they must now labour in France,

if

if they wish to lessen the dangerous effects of the political principles among which they have placed themselves.

Never could the Americans have supported the principle of equality, and lived in peace, in the most perfect liberty, if they had adopted an indivisible government for all the parts of the civil and political order; and yet they would have been favoured in that attempt by various circumstances inherent in their peculiar situation, and which all efficaciously concurred in the maintenance of social discipline; their population, still inferior to the occasions of labour; their dispersion, in great part, in the interior of the country; their separation from Europe; their manners, their religious spirit, their pacific disposition, and all the attributes of political youth.

And France, without any of these assistances, could hope to attain the precious union of order and of liberty, in establishing as the basis of its constitution the democratic equality, and the unity, the indivisibility of government! It could have this hope with its twenty-five millions of men ranged upon a line of education, whose two extremities will always find themselves at a prodigious distance! It could have this hope in a country, whose connections and interests are infinitely multiplied,
and

and which, by its central position, is constantly increased with the vagabonds of Europe! It could have this hope, with a national character inconstant, unquiet, all fire in its commencements, all indifference in continuance, all impatience at the end, and which attends to grave ideas, to serious politics, to liberty itself, only with excess or enthusiasm! France could have this hope! France could persuade itself that it could unite order and liberty under one single government, and in the midst of the tumult of equality! It could have this hope, when the ties of religion are broken, when paternal authority is annihilated, and when all the regulating principles are in discredit, amidst the licentiousness of opinions and the wreck of manner! This, I believe, is delivering itself up to a great illusion; and under such circumstances a country such as France cannot preserve itself from disorder or from despotism.

What will be the consequence if the spirit of conquest, which already characterises the French government, should strengthen and perpetuate itself? It would then be visible that it is not anxious for liberty, but for power and renown; for the necessity of despotism increases with the extent of a political association,

association, when that association must be governed by one single authority. The wise Americans have so well understood the truth of this principle, that they have manifested the intention they had of dividing a particular state into two governments, at the period when its population should have received a great increase, and they have already realized this project. They have, in some measure, estimated, measured the extent of the duties which one authority can fulfil without any violation of liberty, without any infringement of the principle of equality, and they have sought for force only in a federal union. France, on the contrary, chuses that the unity of the government should serve for equality, liberty, and power; it chuses this with such a number of inhabitants and political associations as its conquests may supply; and it is the name of republic that must guarantee this system. A singular spectacle! The same nation that will, perhaps, succeed in subduing the world, will remain enslaved at home, under the empire of a word; and amidst the despotism necessary to the preservation of its new social order, it will call itself free, because it has no longer a king, and is stiled republican,

Undoubtedly, and we ought to say so, there
exists

exists in France a spirit in opposition to the success of a federative government. The Americans, in their little states, content themselves with being happy. The French require more, and they will always seek for action, and tumult, and glory. Therefore, though they could preserve a high station in Europe, and enjoy there a distinguished part by the federation of the different states of which France might be composed, they would regret the time when they formed, in a more direct manner, the parts of a great whole. The Americans, divided as they are into many states, have shown their importance when they are federated. The French, on the contrary, collected during many ages under one dominion, would believe themselves lowered in opinion, if they were not more united than by a federal bond. But all the evil would be in imagination; for an indivisible government, when it requires force to support itself, is a more certain occasion, and a more constant source of hatred and separation, than a federal government conducted by mild measures.

That political institution is indeed admirable, where, without any infringement of liberty, and with the least aristocracy, a vast country is kept in peace; where the legislators, every
where

where by the side of the citizens, can closely follow their wants, and increase, without error, individual happiness and public prosperity. The event might not perhaps have answered our hopes, but the attempt would have fixed the interest of all Europe.

Our admiration will be still greater, it may be said, perhaps, if we should see the same end perfectly attained by a single government, by a government indivisible, and in the midst of the most absolute equality.

This we cannot see; this we shall never see.

It is the particular interest of a capital, caressed and flattered by the different legislators of France, that will always form an obstacle to the establishment of a federative republic. Paris desires not only to remain the center of government, but is pleased likewise that the government placed there should give laws to all the nation; that it should distribute all places, and the capital of the empire should be the sole depository of all the revenues, the place whence all the expences should flow. It is by favour of these circumstances that Paris exercises over all France the most violent dominion, the strongest aristocracy; and as menaces and commendations will always be powerful

arms against fear and vanity, the sections of Paris, who speak to the deputies of the nation, who treat with them body to body, will habitually have a great influence over the legislative deliberations.

The effects of such an influence would become much less dangerous, if a federative republic were established in France. Paris, without doubt, would remain the center and chief seat of the government; but that government would have nothing in its department but the interests common to all the states of the union: Paris, deprived of an authority which it has very greatly abused, would be recompensed for that privation by the return of its ancient tranquillity; it would no longer dictate laws to all France, but it would likewise cease to be the theatre of the most unruly passions. Certainly it would gain by such an exchange. And can that kind of tyranny, which it exercises over the legislators of France, be considered as not to be shaken? and will a nation, which has made so many sacrifices for liberty, or for its image, conclude by graciously bending to the imperious yoke of a single town?

But if on the contrary, and in consequence of the late events, the sections and the clubs
of

of Paris should lose their authority; and if, the ardour of their spirits being totally extinguished, we should see the inhabitants of the capital think of nothing but their fortunes and their pleasures, it must then be expected that the government, delivered from an embarrassing inspection, would use its power without restraint; but the departments, which till the present time have obeyed the public opinion still more than the laws, would very soon be indignant at the indifference of the Parisians, and warned to seek for another safe-guard, their wishes would turn towards a federal government, towards a government that gives particular guardians to every part of the empire, and which deposits in the hands of the central authority only the political interests and the interests of commerce.

It is objected to federal governments in general, that they collect with less celerity the resources necessary against external enemies, and that they are less proper for war than indivisible governments. But this objection becomes weak when applied to a country whose natural strength has been just developed in a manner so striking to other nations, and so instructive to itself.

There can be no doubt that France would be respected, and that other countries would preserve peace with it, if they saw it under a government wisely constituted, and no longer obliged to seek support from commotions and agitation.

Let us however suppose that France may be obliged to collect great military forces; it may be doubted whether, in the future, the indivisible republic would have an advantage, at least a permanent advantage, over the federal republic. Let us not lose sight of a very important truth. The government of the French republic, whilst it is indivisible, has been always completely despotic; and it is not such a government that can be regretted or desired: but without the deep impression of terror, that the ferocious tyrants had established, that government could never have made levies of soldiers so numerous; but they must not expect the continuance, without alteration, of that military ardour, excited by the first-fruits or harbingers of liberty, and so strongly increased by the fanaticism that mingles with all new sentiments. The passions grow calm with reason, and it is only during a time that words can hold the place of things; it is then from social happiness and the desire of preserving

preserving it that military zeal must be expected for the future; and this happiness is always the result of a perfect security, united to the endearing sentiment of liberty. That government, therefore, which best secures these two blessings, will be likewise the best calculated for public force, at least it will be so in the course of time, for fanaticism passes away, and, thanks to heaven, tyranny passes away also.

It is in a general manner, as I have before mentioned, that I am treating a subject, whose relations to a particular circumstance can never be fixed before-hand; and I repeat this observation to justify a few reflections which I must still make, and which, in the void of futurity, have a chance of being useful.

We may find in the federal constitution of America the perfect model of such a government, and the explicit motives of all the articles of that constitution in an excellent work, published under the title of *The Federalist*. The authors are Mr. Hamilton, Mr. Madison, and Mr. Jay, three Americans of the most distinguished merit; and we are struck with the mild and easy reason which characterises their thoughts and their expressions; a manner so different from that of

the French politicians, who bring back every thing to one or two ideas, of which they have declared themselves knights-errant, and which they have celebrated even till now with the ardour of novices.

The great states, which may ever be called upon to found a federal republic, would have the power of making all the parts equal, either by population, or by the uniformity of their domestic constitution. This is an advantage which America, subject for a long time to certain political divisions, could not procure itself.

It appears to me that, for France, the union of three or four departments might have formed a distinct state; and in that limitation, of from nine to twelve hundred thousand souls, a particular government, under the protection of a federal government, could maintain public order without the assistance of any aristocracy, an exclusion which must never be extended to the rejection of the distinctions of property, and particularly not to the proscription of habitual ideas of deference and respect, a kind of morality absolutely necessary to govern the smallest society with mildness.

The wise Americans would, perhaps, find the union which I have just marked out too considerable for a single administration; but for
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the French genius something of greatness is necessary in every thing; and it must likewise be observed, that in a country where the different portions of territory join each other in a circle, or at least where none is prolonged so as to depart greatly from the center, particular states might, with very little inconvenience, be formed of a certain extent, for as each is closed in by the others, none could without danger violate the federal laws.

One disposition of the constitution of the United States would be very difficult to transport into France. The executive power is placed in the hands of a single magistrate, eligible every six years; and as the Americans have a man in accord with so high a distinction by his character, and by his fortune, and by the distinguished part which he enjoyed in the revolution of his country, no disproportion can as yet wound the delicate eyes of the republicans.

Will this harmony exist under the successors of the great Washington? And has the republic of France many men, has it even one, whom his equals would chuse to have for a long time as their superior? The national vanity would be very impatient; and royalty again, and that royalty in the most ancient and

most illustrious house of Europe, would not be too much to restrain and to subject it.

It is strictly enough for an hereditary monarch to be endowed with common qualities, for what is essentially expected from his mediation, is the continuance of respect for the supreme authority; I speak here of limited governments, and I shall developé this idea in the following section; but a temporary chief, a chief taken from the general mass of the citizens, ought necessarily to possess the qualities suited to the rank which is freely given him, and which he in the same manner accepts; and it requires not less than the simple manners of the Americans, and their disposition to honour great moral qualities, and to respect the man consecrated by the law; it requires not less than all these circumstances to make them endure the supreme elevation of one man during six years, amidst the laws and the ideas of equality. But if time should introduce among the Americans those sentiments of jealousy that reign imperiously in all old political societies, and supposing likewise that those sentiments should no longer suffer them to entrust the executive power of the United States to one man, we ought not to be alarmed at that revolution. The federal system

tem has this valuable property, that it can equally subsist, either entrusting the executive power to one man, or confiding it to a union of many persons, as in France, or placing it in the hands of a senate, with a presidency in rotation. The business of a federation is so circumscribed, it has so little relation to self-love and individual interests, that the direction may be modified in various manners, without any essential danger. It is not thus with a government one and indivisible in the midst of an immense country.

We must not then forget, in comparing the two republics of France and America, that one essential and decisive distinction is, the indivisible government of the one and the federal government of the other, and of these two republics, the nation most considerable in the number of its inhabitants will have the indivisible government, whilst in principle the reverse ought to be the case. But when America shall contain five millions of men more than at present, I doubt not it will lose both its civil and political liberty, its manners and interior tranquillity; the day when, still remaining republican, it submits itself to a single government, to a single legislative body, to a single executive power. This beautiful simplicity would become to it a principle of

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order,

disorder, a source of confusion; this beautiful simplicity would totally overthrow America and its happiness.

The inhabitants of the districts, known at present by the titles of particular states, would no longer see among them their legislators, their patrons and guides; they would find themselves, with all America, under the inspection of the agents and commissaries of the one supreme power, of a power of popular institution however, which, always doubting their obedience, would employ the aid of despotism to create its importance or preserve it from declining.

We conclude this section, therefore, as we begun it, by repeating, that in a great country the ideas of equality, and the unity and indivisibility of government, are irreconcilable; that in a great country, it is necessary to chuse between the system of federal republics and the system of limited monarchy; the first, proper to maintain order and liberty notwithstanding equality; the second, proper to accomplish the same end notwithstanding the unity and indivisibility of government.

SECTION II.

Limited Monarchy. Example of England.

FREQUENTLY have we been obliged to regret the old government of France. Who would not have regretted it amidst so many miseries and so many crimes? Even during the first hopes, every kind of alteration in the old method may be dreaded; for in government, the existence alone forms for it a title of recommendation, because the transitions to a new political state are always accompanied with danger; but when that title of recommendation is destroyed, and when, to return to the original state, all the hazards must be incurred attached to civil commotions and political changes, the ancient state ought then to be considered in itself, and judged by its own value.

But can it be supposed that, in such a situation, any nation, any collection of men, would freely and by choice give their assent to a changeable assemblage of customs and exceptions, whose demarcation had never been traced by any agreement or any charter, and
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of which the reigning authority should always be the interpreter? Can it be supposed that any nation would freely and by choice give its assent to a social system, in which the legislative power should be placed in an uncertain manner, and change according to times and circumstances? and such was the consequence of the ancient government of France.

The monarch and the monarchical lawyers maintained, that that power belonged to the prince, and no magistracy had the right of placing an obstacle to its exercise, or of exceeding the bounds of a representation or of a remonstrance.

The parliaments and their orators, on the contrary, pretended, that without an open entry in the records, the law was not complete, and could not command obedience.

Neither of these two interpretations of the public right of France could suit the national interest, and both wounded the most common principles of political science.

How could they assent to the idea, that in a well ordered government, the whole legislative power, undivided and unmodified, should belong to a single individual; that it should belong to him by right of succession, and with the faculty of exercising it at thirteen years of age; that this unlimited power should be accumulated

accumulated in his hands with the executive power, and with the arbitrary power of exiling and imprisoning?

How could they admit, in another sense, that the authority of general laws could reasonably be submitted to the approbation of thirteen parliaments, placed in different parts of the realm; that that authority ought to be subordinate to the opinion of thirteen bodies of magistracy, occupied habitually in deciding causes between individuals, and devoted likewise, almost wholly, to the study of the civil law?

Ought the accomplishment of the good of the state to depend upon the concurrence of so many separate wills? and ought the most august of prerogatives, in association with the legislative power, to be the appendage of a certain number of offices bought for money?

Was it becoming likewise for the sovereign courts to appeal from the deceived king to the king undeceived, to avoid the consequences of the ancient monarchical adage, *as the king wills so the law wills*? Was it, in fine, supportable in reason and in common sense, that in this continual struggle between the kings and the parliaments, the offensive arms of the one were exiles and imprisonments, the defensive

ensive weapon of the others, the refusal to render justice to individuals?

However, except one pretension always subsisting on the part of the parliaments, to be and to compose an integral part of the legislative power, we observe a perfect indifference to the arbitrary acts of the government; and if they have frequently, in a general manner, exclaimed against the abuse of *lettres-de-cachet*, they never took in hand the cause of an individual, they never defended an individual against this oppression, unless indeed he was associated to their magistracy; and they certainly believed that their authority could not extend so far.

I comprehend now the ideas which I have already given at the beginning of this work, speaking of the past times. I wished merely to call to mind here, that if the public manners and the qualities of the princes have in different reigns given a character of moderation to the French government, it is not, however, in examining the constitution of that government, that we can place it in the rank of limited monarchies.

It will undoubtedly be observed, and with reason, that the French government did not originally consist in the reciprocal rights of kings and of parliaments, and that its primitive

mitive elements must be sought in the states-general; but could a political body, whose life, and death, and revival, have depended, during so many ages, upon the royal will, or the momentary empire of circumstances, could such a political body be looked upon as an integral part of the French constitution? could it be presented as a firm guarantee of order and of liberty?

But we hear it said, "What signify the past times? all this was corrected by the declaration of the 23d of June, 1789; by that declaration, in which the king gave a durable consistence to the states general, acknowledging, in a solemn manner, that the right of consenting to the imposts belonged to them, and, by a necessary consequence, the right also of regulating and fixing the public expences." But I have already shown what that declaration was, and the little influence which it could have upon the future, without the support of a social constitution, strong in its own organization. The nation has believed, from all antiquity, that no authority could subject them to imposts without an acquiescence from its representatives. This was for a long time the opinion of the monarchs themselves, and CHARLES VII. was the first who infringed this principle. His successors followed the

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same path; and the states general were not even convoked under the reign of the two princes who most augmented and multiplied the charges of the people, Louis XIV. and Louis XV; a certain proof that, in the course of time, the rights of the nation had been badly supported by the acknowledgments and promises of its kings.

The real balance of the supreme power in France existed not in the organization of the government; it was entirely in the authority of public opinion; an authority whose force increased with the progress of information, and of the spirit of sociability; therefore, they who wish to present the old French government in its most favourable aspect, should not fix their attention upon the feeble barriers opposed by the constitution of the state to arbitrary power; they ought to show it environed as it was, particularly in modern times, by that public opinion, which, without written laws, without any legal superiority, served as a moderator of every kind of excess, and rendered such important services to the nation. But where is the authority that has never been abused? The moment arrived when the public opinion, intoxicated with success, grew arrogant of its empire; it wished to try what it could do, and knew not how to give laws to
itself;

itself; then it passed the limits of good, and scarcely can we recognize it, when, descended from the high ranks of society, where it had fixed its throne, it wished to strengthen itself with the imitative sentiments and ungoverned wishes of the multitude. The general discontent sealed this alliance, and the government, by its faults, became the promoter.

Whatever it may be, from this time the public opinion is become so suspected by all princes, that, for many centuries, perhaps, they will not permit its voice to be heard; and at the moment when the ancient authority of government might be re-established in France, the opinion of the last commotions would be such, that any idea, in the least degree liberal, would appear incendiary, and there would then exist no moral safe-guard against despotism: another reason for desiring that a prudent liberty may always find its security in the very conditions and organization of government.

However, since we know from the experience of past times, that circumstances foreign from reasoning and abstract judgment most frequently decide political revolutions, the pure and simple return of the old French government may undoubtedly be admitted in

supposition. What then ought his enlightened counsellors and faithful friends to say to the monarch? That in a political system, where there is no balance, the administration is every thing; that the great interest, therefore, of the chief of the state is to govern well; that it is of importance for him to surround himself with excellent ministers; to employ himself unceasingly for the happiness of his people; to show himself wise, economical, and just; and to make the faults of the social institution forgotten by an irreproachable conduct. He ought always to assist himself by the intervention of the provincial assemblies, organized in a monarchical manner; but the government would find itself obliged to leave time for the spirit of the people to calm or settle, before it could think with prudence of convoking the states-general. I know not how it could imagine it could place the three orders together according to their ancient relation, since the one of them has aggrandized itself in so marked a manner, both in its own opinion, and in the eyes of Europe; how it could represent to itself the prodigious number of French citizens, whom the events of the revolution have in every sense electrified, placed in a subaltern rank in an order composed

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posed in two-thirds of persons chimerically ennobled. This is a thing impossible, and no despotism could bring it to pass.

The French constitution of 1789, notwithstanding the shortness of its existence, and its title of *memoire*, may be placed in the rank of limited monarchies. This was the design of its composers; but I have no occasion to dwell upon a subject which I have already gone through. Alas! of that constitution defended even now by some sectaries, there remains nothing but a ridiculous remembrance of the first apprenticeship of the legislators of France. That royalty of fiction which they have left us, that supreme rank stript of splendour and of majesty, that throne without steps, placed upon a point amidst the plains of equality, and amidst the ruins of every kind of respect. What a political invention! And that scaffolding of subaltern authorities, that series of commands without any preparative for obedience; a multitude of innumerable laws, and no executive power; in fine, a monarchy in name, a republic in fact, and the spirit of these two governments scattered at hazard through a plan without method and without harmony. What a strange result from the labour of three years! We can explain the short life of this constitution, but not its long and difficult conception.

conception. We must consider the regret which certain men of genius still bestow on it, as a homage paid to the intention of a limited monarchy. They deny that it is important to have there, for one time or for another, a type of monarchy all prepared, a government with a name, with a distinct mark, and which will bear the necessary correction. Very well! provided these corrections amount, in their result, to a total change. We cannot return to the constitution of 1789, such as the French received it, without beholding anarchy or tyranny incessantly re-appear, most probably both together, so inseparable are they.

What then, among all monarchies, is that which, by a wise organization, appears to accord most perfectly with the rights and interests of the man and the citizen? It is, nor can we say so too much to the nation that enjoys it, the monarchy of which Great Britain presents us a beautiful model.

The government of England is the only indivisible one which defends, which protects, which guarantees equally order and liberty.

We see it supported by majestic columns with which the imagination is struck, but we soon discover that there is nothing too much in its pomp, and that it is wholly destined for
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mildness of administration and the prevention of despotism.

Three authorities serve as a safe-guard to the constitution; but they are not composed of homogeneous elements, divided only by titles, and ready at every instant to mingle together. Each of these tutelary authorities has its distinct character, and there is no union between them, but that of an equal interest in the support of the established government.

I behold here representatives of the people, who by their fortune and their education have given security for their wisdom and social interest; and who, as they cannot therefore be considered as intruders into public affairs, have none of those doubts and secret suspicions that have so frequently led the French legislators to signalize their power by acts of violence.

I discover next a certain number of men elevated in rank, not for their own private gratification, but that they may fill with propriety a magistracy useful to the state, that they may serve as a balance to the motions of the house of commons, and still more, perhaps, that they may preserve in the nation those ideas of deference and respect, without which a monarch would remain beyond all sentiments and ideas of society, and could never support himself.

Finally, I see that monarch aiding, favouring by his unity and by his majesty, the action of the executive power, of which he is the depositary; and that unity and that majesty distinguishing him in a simple and striking manner, attract all attention towards him, and constantly surround him with careful observers.

The best safe-guard of a government become so dear to the English, is the nation itself, for they have not had, like the French, 377 articles of a constitution given them to retain, but their attention is fixed upon a small number of principles, the invincible guardians of their liberty, and which remain engraved in the memory of the countryman and the citizen.

All know that no tax can be established, that no law can be passed, without the formal request of the representatives of the people, without the acquiescence of the house of lords, interested by the strongest ties in the public prosperity, and without the definitive sanction of the monarch.

All know, likewise, that no citizen can be thrown into prison by an arbitrary order, and that a man arrested for any cause must be brought in presence of the law within twenty-four hours.

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All know, then, an easy resource is open to them against the least abuse of power.

All know, finally, that the right of petitioning and the liberty of the press hold the different authorities in awe, and prevent them from going out of their orbits.

But do not the French enjoy all these advantages under the shelter of their new constitution? It is time that must teach us; and till then we should not forget that certainty and probabilities are in nothing so distinct and separate, as in the vast field of political ideas and passions. And I speak not here of great events capable of disconcerting every thing, but simply of the accidents to which speculative principles are exposed, from the moment when they are brought to the proof of experience; accidents to which they are exposed, either by growing weak in application, or assuming, on the contrary, too much confidence, and deranging thus the harmony of which the first composers of a government believed themselves secure. Theory is but a poor security, particularly when it would embrace every thing in anticipation; particularly when it would trace in an indelible manner, even the most trifling traits of a political constitution destined for a great state! It is time who labours at and perfects the first per-

ceptions; and that old workman, I believe, mocks at the tumultuous enthusiasm of so many novices, who, after having dug from the mine, where all the world are digging, a few abstract principles, have beat the drum and sounded the trumpet, to inform the universe of their discoveries; but from the sovereignty of the people, and the rights of man, to a regular and proportioned government, there is a greater distance than from a block of marble to the Apollo Belvidere.

Let us, however, briefly compare the English monarchy with the French republic, and, to make the comparison, forget for a moment the English monarchy's hundred years of stability and renown, that it may contest with the rising constitution solely upon the ground of speculation and of system. More than one general, from bravado or from generosity, has quitted his intrenchments to offer battle to his rival upon the plain.

Is it of public order of which we should first speak, of public order without despotism, the first distinguished mark of a social authority ably and wisely organized? What is the principle of this order? Is it not the honour which the law bears, and the respect which the power charged with its execution imposes? Is it not the habitual sentiments of deference
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in the people, and the tendency of the public spirit towards morality? Is it not a kind of silent but universal esteem for the established government?

Let us in a few words go through each of these.

The honour which the law bears.

This law, according to the French constitution, will be the work of two houses, of which the members differ one from the other only in their age, and of whom none have given any security for their real interest in the public welfare, or even any for their liberal education. Of these two houses, the one only will have the power of proposing laws, and the other, reduced either to approve of or to reject them, without explaining its motives, without the power of proposing any alteration or pointing out any means of accordance, will with difficulty support its importance, and the rank which the constitution assigns it.

Let us now regard England in the same point of view. Three wills there form the law, and one only is restrained by custom to the concise language of which we have just spoken; but that will emanates from the throne, and therefore its expression is supported by every kind of majesty, and it is
likewise

likewise known that the monarch has taken part in the previous deliberations by the mediation of his ministers. The two legislative houses are equal in rights, and the power of first proposing taxes is the only one reserved to the house of commons. Their consequence is formed of all the elements that can impose upon man. One of them, the house of commons, is formed of citizens elected by the nation, but all of them essentially landholders, and manorial landholders; and the upper house, where the peers of the realm sit, presents to the nation every thing of which greatness of opinion is composed. Thus then, here likewise is the choice of the people; but there is moreover property, and education, and the conventional dignities, and, above all, the royal majesty; these are the different seals affixed in England to the laws of the state. Compare this whole, at once glorious and reasonable, to the composition of the French legislature, and then judge between the two models.

I have mentioned, as a second guarantee of public order, the respect which the power charged with the execution of the law imposes.

We see that the French constitution has placed this high function in the collective hands

hands of five individuals, taken from the common mass of citizens—from the twenty-five millions of men of whom the republic is composed. They will have, before their nomination, no title inherent in their persons, no title precursive of the choice which the legislature will make of them. Their consequence must therefore be created at the instant; the place must do every thing for them. Guards will, I know, be given them, and a costume, and the other kind of parade aping the old court; but so sudden an importance resembles fruit raised in a hot-house, which can never equal in quality the free gifts of nature. •

It will moreover be necessary that the five individuals, composing the executive directory, should live together in perfect intelligence; no opposition of system, no diversity of inclination, must separate them; for in so fragile an existence there is nothing that may be risked, nothing that may be lost, and the slightest weakening may become mortal. The directors of the first epoch will certainly perceive this, and without fixing any attention upon them as individuals, it is apparent that a similarity of situation, as well in the past as in the present, a parity of danger and common adventures, will strengthen their
union,

union, and the numerous companions of their fortune will watch over the tie, and draw it closer. But political institutions must necessarily be considered in a greater space, and, in that point of view, what man acquainted with our weaknesses and our passions would boldly trust to the maintenance, to the long continuance of harmony, between five copartners in the same power ?

Nulla fides regni sociis, omnisque potestas
Impatiens confortis erit.

So said Lucan to us long since ; and we have it also from a more respectable source ; from the lessons of history, and from the study of our nature. The kind of responsibility vaguely imposed upon the ministers of the directory, in giving them a particular stability, will perhaps multiply rivalries and subjects of discord, and all, directors and ministers, ministers and directors, having no constant part in the preservation of the law, will not be altogether connected with the success of the new dispositions by a sentiment of self-love and of *fraternity*.

Let us now contrast this with the social constitution of England. An hereditary monarch exercises there the executive authority, after having concurred directly by his sanction,
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and indirectly by the mediation of his ministers, to the formation and fulness of the law. He exercises this executive authority alone, and the majesty with which he is environed assists his high functions with all the succours of opinion. His ministers are responsible, but he is not exposed to any accusation, to any insult, to any injury. The English have perceived of what importance the splendour of royalty is in an indivisible government, and they have not chosen to hazard its dignity and permanent utility, by subjecting the transitory possessor of the crown to such humiliations. Let any one judge between this great view and the little system of degradation prepared for every one of the executive directors of France. I have given an account of it. The first comer may enter an accusation against them by signing it, and the legislature, after having admitted that accusation, after having sent the lord-director before a tribunal, is obliged, constitutionally, to re-establish him in his place if he obtains an acquittal. Thus, therefore, the same man who will have been led to prison between two guards, will preserve the chance of appearing again at his supreme post, of seeing the way cleared before him, and of being again

again one of the five kings of the republic.

Supposing, however, that their reign should pass without accident, one of them must, every year, fall precipitately from the height of greatness even to the last rank of society, and become perhaps the sport of his enemies.

Strange combinations undoubtedly! Is it thus that opinion directs itself? Is it thus that moral power is composed?

It is not only to serve as an aid to the authority, that the English have placed the executive power in the hands of a king; it is likewise to place the supreme rank at such a height, that no person in the state can hope to attain it, that no person can be encouraged to meditate or to assist any project of usurpation. The peers of the realm in England surround the throne, and the citizens most distinguished by their fortune have, in their quality of representatives of the people, an essential part in the legislative authority, yet both the one and the other are separated from the monarch by an immense space, and the bounds of their ambition are immutably fixed. In France, on the contrary, and it is believed right, all powers touch each other, and all men resemble each other; any
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one therefore may persuade himself, that he has only to push forward to make room; and the temporary masters, alarmed at the tumult, will hold the axe in their hands to resist and scatter the crowd. The birth of factions and their renewals, the recourse to despotism to combat them, these are the necessary effects of absolute equality in the midst of a vast country, subject to an indivisible government.

There is a vulgar opinion which has been wrongly applied in a general manner to all governments, and which, being adopted by the last legislators of France, has greatly bewildered them in their political speculations; it believes that, to inspire men in authority with the desire of acting well, and to direct all their attention towards the public affairs, their situation should be rendered unstable and temporary. This calculation might, perhaps, be admitted in little republics, where the first magistrates have functions very circumscribed, and duties distinctly traced; but in a vast country, subject to a government one and indivisible, the depositary of the executive power, terrified at his task, will be forced to devote a great portion of his faculties to his personal affairs, if he is not placed beyond inquietude and beyond ambition by a settled situation. Reflections

lections peculiar to his own private interest will habitually mingle themselves with the thoughts which the public interest demands from him. He will think of the support of his own credit, of the prolongation of his political existence, and he will employ his art to persuade others, that in struggling for himself he labours for the state. The succession, the renewal of men in a legislative assembly, is useful without any inconvenience, because their federation, their abstract character, renders them independent. There is likewise a kind of identity in the information collected in a mass, which is not altered by the variety of those who partake in it; but the mobility of the executive power, the mobility of a power always acting and always insulated, always in view, makes it disproportionate to the immense and perpetual affairs which compose the administration of a great state. The English, then, did not want prudence when they fixed that power in an immoveable manner; and their perfection is, having inspired the depositary of it with full confidence, and prevented him from ever abusing it.

I admire also this in the English constitution, that, notwithstanding the transmission of the executive power by the right of inheritance, no hazard is run. This is because in
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a government well-contrived and philosophical, the qualities of the monarch are not imperiously necessary; they must be considered as a trait of perfection at most; but every thing can go on without their assistance, and there is much less need of the person of the prince than of his royalty and imposing character; there is much less need of the person of the prince, than of the perpetuity of an individual interest in the safety of the state; of the perpetuity of an unequivocal and undoubted guarantee; of the perpetuity of a kind of cable amidst the succession of temporary authorities, amidst those ambitious passions of which a representative government is the indestructible germ.

I have, I think, placed with reason in the number of conditions essential to public order, habitual sentiments of deference and respect in the people; for it is by these sentiments that their minds are prepared for social subordination; and that the war of vanities is restrained, or at least made to assume a regular conduct.

Nothing similar to this can exist amidst the system of equality; and the consequences of that system are so numerous that I have thought it right to consider it separately, and in its connections not only with public or-

der but likewise with liberty, with morality, and with happiness; at this time, therefore, I shall confine myself to applauding the prudence which the English have displayed in their gradations of rank; they have used a discretion in this which cannot be too much admired. The legislator * seems to have borrowed from opinion the assistance necessary to social order, and nothing more; and he has used it, upon that occasion, with a parsimony that attests his profound wisdom; he has guarded against dividing the nation into two classes, and offending the one by according prerogatives to the other useless to the state; he seems to have said to himself, "this is necessary to accomplish my design; all beyond this would needlessly alter the dignity of the English citizens, and it is of importance to me that their character should maintain its elevation, that my ideas of liberty may succeed, valuable ideas, and which I intend to unite in the support of the public tranquillity." Thus the hereditary superiorities introduced in England are so connected with the social interest, and so strictly con-

* It is for the sake of brevity that I make use of the expression, *legislator*; I know, as well as others, that the constitution of England is not the work of one man, but of time.

fin'd within its boundaries, that they seem ordained and described by a general will. The peerage is the only distinction of birth acknowledged by the law, and the splendour cast upon two or three hundred magistracies suffices, by a happy combination, both to support the majesty of the legislative body, and to give that accompaniment to the throne, which in some manner perfects royalty. Was it possible to accomplish so great an intention with so trifling a sacrifice on the part of self-love and vanity?

I will add in the same spirit, that the king of England would commit a great fault, if, turning his attention from the political utility, from the philosophical utility of the peerage, he should multiply beyond measure the number of those collected in this high national dignity. Ideas and habits of respect must not lightly be made use of, for once altered in their principle, the means of reparation become extremely difficult.

Princes in general, as, for example, the French monarchs, who have inconsiderately multiplied the titles of nobility, believed that by making use of hereditary distinctions to reward their servants, they merely œconomised the public money and the revenues of the state; but they did not see, on the other hand,

that they exhausted the succours of imagination, and, as I may say, consumed the capital of royalty.

Here, however, a more general question presents itself: Is not every kind of political inheritance, even the best regulated, a breach of the common right? There exist, then, a certain number of functions, a certain number of dignities, which belong to the chance of birth, and from which a part of the nation is absolutely excluded. Is not such a distinction, such a prerogative, evidently unjust? and can it be defended at the tribunal of reason?—Yes—undoubtedly.

What, in fact, is the inheritance of a small number of magistracies, compared to that inheritance of fortunes universally consecrated, to that inheritance which, in its consequences, includes all society? Of all superiorities, patrimonial wealth is the most real and the most important. This superiority is determined by the chance of birth, and yet you submit to this principle of distribution, because it is favourable to the support of social order.

Why then would you condemn the establishment of two or three hundred hereditary magistracies in the midst of a great country, such as England and Scotland united, in the
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midst of a population of from eight to nine millions of men? Why would you condemn this political establishment, if it contributed, like the civil institution of the rights of succession, to the support of the social order? Why would you condemn it, if it was likewise one of the safe-guards of liberty; if it placed an obstacle to the invasions of the popular spirit, and to the ambitious attempts of the monarch? Is not that a fine idea, which has made the superiority of wealth serve to a political advantage? And is it not likewise a prudent thought in the legislator, to place in action the spirit of inheritance, and the spirit of the moment, for the good of the country? This was giving himself two supports, procuring himself two securities; it was imitating the wisdom and circumspection of merchants, who divide their property in many vessels.

And what is there that can supply the annihilation of every kind of inheritance in a great empire? The choice, the elections of the people. But has not this principle of distribution likewise its inconveniences? It is not subject to the hazard of birth, but to the hazard of passions, and those are perhaps the most dangerous of all.

Take heed too lest the risque, or, if you

will, the insufficiency of the choice should increase with the extent of a country, because that extent augments the moral distance between personal interest and the public interest; an observation of some importance, particularly if applied to a country where characters have little stability.

Therefore the French nation appears less adapted than any other to a government purely and completely representative; it is singularly called upon to acknowledge the political merit of some hereditary dignities of that institution so well ordained in England, which serves to place the love of order, the love of the country, the love of the established government, constantly under the protection of an energetic and powerful personal interest; and which serves also to distinguish those precious sentiments, and to render them universal by the authority of example: but the legislators of France have perceived nothing in such an institution but a distinction favourable to individuals. The remark was superficial, and the whole view narrow. It was almost in the same spirit that they at first thought of destroying the old establishment of grenadiers in the armies. The image of a first rank, of a class, of a cap raised
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above the horizontal line of the legions, offended their principles of equality, of uniformity, of resemblance, and they wanted experience before they returned to a disposition whose utility war had consecrated. Then they acknowledged that these grenadiers could guide, decide, and support the movement of the whole mass of soldiers, and they preferred the general good to a general idea.

This theory is terrible, because it admits no exception, no limit ; it requires to extend its dominion, it requires to bring the world under the yoke of our new legislators, to establish certain simple axioms in every kind of science, which the scholar may seize as strongly as the master. Thus it is that it surrounds itself with numerous sectaries, and converts its precepts into a kind of religion.

I believe it. The inheritance of certain magistracies is a political institution, which, like many others, presents advantages when it is wisely circumscribed ; and I demand that a concluding reflection may be weighed. These magistracies, known in England by the name of *peerages*, are the secret bond of the whole system of deference ; a system entirely in opinion, entirely in moralities, which, however, is more necessary to the sup-

port of social discipline than the doctrine of vengeance and the code of punishments.

Let us continue the parallel which we have attempted to draw, and always by such simple traits as our limits allow.

The tendency of the public spirit to morality serves the social order more than the best political institution; and the two governments which I am comparing would be, on that point, in the same relations, if religious opinions were foreign to morality, and if the English government did not watch over the honour and the support of those opinions, whilst the French government treats them with indifference or contempt. But I shall certainly be approved, if I do not re-assume a subject on which I have often delayed myself. It is expected with impatience that these young legislators, young in the succession of ages, should teach the universe why it has been deceived from the first ages of history, in uniting morality to whatever is most elevated in the thoughts and sentiments of man. The universe expects this instruction from the deputies of Ardeche or of Gironde, from the whole convention. Nothing appears, nothing is announced; no new idea shines as yet; no imposing phrase makes itself heard; and yet it is unceasingly said and repeated, with

with exaggeration undoubtedly, that there is no longer any morality in France; that boys mock at the lessons of their fathers, and that men obey only their personal interest; the edifice has no longer a cement, and all the stones totter. Has it been calculated, what are the effects in the social order of the admission or rejection of an oath, of that engagement which combats alone against so many temptations? No; they have not wished to take account of any thing that was old, of any thing that was sanctioned by experience; they have said, a fig for time!—Let them fear lest he should avenge himself.

I have placed in the number of conditions essential to the support of the social order, the taste of a nation for the constitutional form of its government; that silent but universal esteem which gives so much force to the laws. It exists in England in all its plenitude; it has existed there more than a century without any alteration; and, I doubt not, the same sentiment would have established and perpetuated itself in France, if they had introduced a government there, resembling, in its great circumstances and fundamental conditions, the government of England. It is not thus with the republic; the love which they have for it has a character

rafter of uncertainty, which the passion itself cannot efface ; and I know not what would be the result, if, by a *decomposition* analogous to chymical operations, we could separate from that love the motives foreign to the attraction of the government ; if we could separate from it the interest of the new proprietors of what are called the national domains, the interest of the possessors of another's property, in the continuance of their protection ; if we could separate from it the engagements contracted by the sacrifice of so many duties. In fine, crimes so various, outrages so multiplied, have sullied the first years of the French republic, that it is impossible for any man of pure heart and mind to cherish it otherwise than in hope and in imagination.

○ They have artfully known how to persuade the people, that they owe their exemption from a multitude of customs, of which they were weary, to the institution of the republic ; and the people have forgotten that they were released at the time of the first national assembly, and in the time likewise of a limited monarchy.

At all ceremonies, at all solemn occasions, the repeated acclamation is heard, *Vive la Convention ! Vive la Republique !* but this was the cry

cry of the savages collected round the scaffold, of which the tyrants of France offered them every day the spectacle. It must be left to time to dissipate fictions, and present opinions and sentiments in their openness and truth.

There has been no universal assent to any political system, since the epoch of the first hopes which the constituent assembly had given. Then there existed no limits to the liberty of the press, and foreign gazettes were not prohibited. They feared neither the panegyrics nor the regrets given to the old government; and this is the true sign of the confidence of the innovators in the merit of their doctrine; this is the sign of their full faith in all which they said of the national approbation and of the general wish.

Hitherto we have considered the government of England only in one light, in its relation with public order and social subordination; let us now judge of its aptitude for the protection and maintenance of liberty; and to establish a connection between this new subject and our preceding remarks, let us recollect a principal truth, that, notwithstanding all the conditions and all the phrases of a constitutional act, no liberty is solidly founded, if esteem for the government, and respect for the

the law, are always from reflection, and derive no support from our habitual sentiments. Men in power must always act upon the public mind, and fix by fear the uncertainty of opinion. Sensible, therefore, the first, of the weakness of their ascendancy, they have recourse to despotism to disguise it, and sometimes a mere offence to their self-love becomes the signal for their tyranny.

The consequence from so important an observation is, that the dignity, the majesty of the supreme power, secure the mildness of the government, and diminish, for the common good, the number of sacrifices demanded from liberty, in the name of public order.

This is the service which can never be rendered to France by that legislature and that executive power, drawn both the one and the other from amidst twenty - five millions of men, all equal, all alike, and esteemed as such from their birth and first education. This is the service which can never be rendered to France by that legislature and that executive power, invested, both the one and the other, with a great authority, but invested unawares, to-day for to-morrow, and without any preparative on the part of the public opinion.

Hence it is that the convention, the depository of an unlimited power, has suffered its
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own distrust to appear, by speaking upon every occasion of its *tranquil order*, and of its *imposing attitude*. Never has such a kind of language presented itself to the mind of an English parliament; and till these latter times, when the irritation of the French spirit has given room for a temporary increase of the public force, the internal order, amidst a country agitated by so many different interests, has yet been maintained by the sole empire of the law, and no recourse was had for a century to any arbitrary act, to any violation of constitutional privileges, or even to any system of *espionage*. But can it be believed, that so great an end could have been accomplished without any other mediation but that of the magistracies nominated by the people? that it could have been accomplished by one single means, the most simple of all? and when the moral ideas proper to inspire and support sentiments of order and subordination were destroyed, that it could have been accomplished without the assistance of the majesty of the throne, and without the establishment of an august nobility, serving as an accompaniment to that majesty? that it could have been accomplished with disdain to compose the legislative body of that nobility, and of men the most distinguished in the nation by their property

property and liberal education? that it could have been established, and without any violence, with rejecting all the institutions that call to the aid of authority the unreflecting instinct of the multitude, even their prejudices, and all the power of imagination, that motive inherent in our nature, that force as active as indestructible?

In France they have wished to compose authority entirely of power. Was this comprehending well the principle of public order? was this well understanding the mystery of liberty? They have wished for an authority entirely of power. It was inviting the one to have no respect but from fear; it was inviting the others to preserve themselves from neglect by despotism.

Vain reflections! it will be said. Is it not commonly notorious, is it not avowed by history, that the only free men are republicans, and that men are always more or less enslaved under a king?

Explain to us, I would reply, of what republic and of what kind of monarchy do you chuse to speak? but before you seek for your support in facts, forget not that there has never been a tyranny equal to the dominion of the French government, since the institution of the republic; and instead of surrounding
§ yourself

yourself with the past to defend your opinions, call the future to your aid, and place yourself in the midst of presages and prophecies. But during the time of Robespierre and his rod of iron, the French were daily accepting compliments upon their quality of republicans. Look at all the felicitations which the tyrant had the insolence to address to them upon their affranchisement and upon their liberty. Every day he and his followers delivered new adulation from the tribune to republicans; and these republicans, with chains upon their feet and upon their hands, mocked at other nations, and called them slaves. Words are indeed terrible when, instead of distinguishing ideas according to their first destination, they are treacherously used to deceive opinion and disguise the most simple truths. The republican French, the French republicans, have been till this time more arbitrarily, more tyrannically enslaved than the Greeks of Constantinople, than the lowest subjects of the Sultans of Asia. They owe, indeed, this rigorous treatment to their peers and equals; but such a circumstance was not, I should think, a consolation; it aggravated the yoke instead of easing it. However, upon this point every one may have his taste. Mine is fully decided, and I find so little pleasure in obeying, that I would willingly,

willingly, by art or magic, give five hundred cubits to all the men who had a right to command me.

Shall I dare to speak at the risk of being mistaken? It appears to me that the legislators of France, beginning with the first of them, have never taken in a view sufficiently enlarged the great political questions. Monarchy, aristocracy, democracy, have always struck their minds in the most vulgar sense, and they have spoken of them without knowledge and without seriousness; they have spoken of a king like boys of their school-master, whilst his magistracy is a political invention, destined, according to its modification, to protect order and liberty, and guarantee the union of those two means of happiness. Is this what ought to be expected from a long and numerous succession of legislators?

Let all nations be upon their guard. The system of equality has not elements sufficient to compose two supreme powers, the legislative and executive; two powers at least with the properties that belong to their nature and destination. Suppose them upon the same line, and in concord with each other, sometimes they will pass over every thing, and the reciprocal vigilance will have no more activity; sometimes they will dispute like equals, and then

then of these two powers the most fragile and the most exposed, the executive power, will be enfeebled; and yet in this point there is a perfect intelligence in the organization of the government of England.

How do they manage in republics, where no distinctions are admitted proper to form a system of deference? They support there the slight superiorities established by opinion, which suffice, in a small circle, for the maintenance of social order; but in great states it is indispensable to impress the public mind by more striking signs. Differences in square leagues, differences in population, imperiously command differences in government; perhaps, therefore, we ought to regret that language should have expressed *extent* by one single word, and that it should have trusted to adjectives or periphrases the care of marking all gradations even the most considerable; I say seriously, that if there had been two simple nouns, two particular nouns to designate a circumference of twenty-five thousand leagues and a circumference of fifty, and if there had likewise been two simple nouns, two particular nouns, to designate unlimited liberty and prudent liberty, this gift of language would have preserved us from very many miseries.

Examine it more closely, and it will be seen

that all the chief authorities ought to be modified and regulated according to the different degrees of social extent ; one day, perhaps, a political Newton may form a table of these proportions, and explain to us the calculations.

It is philosophically and without prejudice that I compare, in this section, the limited monarchy of the English with the French republic ; and pursuing my subject, I proceed to examine, under other relations, the spirit of the two constitutions.

It appears to me that the English, in giving the preference to a limited monarchy, and placing the executive power in a single hand, have forgotten the eagerness of the ambitious, to consider wholly the interest of the state ; in France, on the contrary, they have considered the exercise of the executive power as a sort of political escheat, which ought to be made common by a division, and a continual succession of agents and depositaries ; and, I make no doubt, if an angel, a celestial spirit, descended suddenly to earth, had said to the convention, make you laws, and I will charge myself with their execution, by inspiring the people with that deference and docility that render severity needless, they would have rejected his proposal. Do you hear this proud being,

being, who talks of acting alone? would have been cried out in the convention. We will have no intervention at that price; and we refuse an authority to which all the citizens are not called. Mr. Archangel, we see very clearly that you are an aristocrat; ascend again to heaven, and speedily, or we will deliver you over to the revolutionary tribunal, or make the people fall upon you; and the celestial spirit, on quitting them, would have said, these are the novices who still take words for things, and the form of authority for the end of government.

The English, following their political principles, would have conducted themselves differently; and although they had not placed their executive power in a representative democracy, they would have perceived that a celestial mediation was preferable even to that of a king, and they would have said to their's, we have nothing to complain of in your conduct; you have done, with the assistance of your ministers and of your agents, what we expected of you, or at least very near it; but you cost us something; you are a man, and your means are limited; it is of course right that we should accept the supernatural offer that has just been made us, for it accomplishes with certainty the end which we proposed to ourselves

ourselves in elevating a monarch, surrounding him with great splendour, and entrusting to him the exercise of the executive power; return then to Hanover, or live amongst us, to enjoy, you and your race, the respect due to the supreme dignity with which you have so long been invested.

I am not certain, but it appears to me, that by more strongly presenting, by an imaginary supposition, the design and intentional spirit of the English royalty, a new light is thrown upon the question.

We may examine if, in England, the depository of the executive power, deprived of the splendour of the throne, or of the reflection of every other dignity equally majestic, could ever display himself alone to the attention of the nation; yet it is of importance to the support of his estimation, that a legislative assembly should not be always around him; and it is also of importance to the tranquillity of the state, and to the continuance of harmony between the supreme powers, that that assembly, that the parliament should separate at the moment when the public business is terminated.

But, I demand, can it be believed, that an executive directory, composed according to the indication given by the French constitution,

tion, can ever expose itself alone to the attention of a numerous nation; that it can ever dispense with the habitual adherence of the legislative councils? I will say more; such is the singular effect of the system of equality, that even the constant association of the legislative body and the executive power would not be sufficient to establish obedience by simple means, in a vast country subject to an indivisible government, if that association did not appear surrounded with the opinion of Paris, if it had not the assistance and support of a metropolis, which forms a kind of *departmental* aristocracy, infinitely necessary to the support and credit of supreme authorities; therefore, when they once talked of punishing that great city by transporting the seat of government to Nogent-le-Rotrou, or to Châlons-sur-Marne, they had not, I believe, considered all that Paris was to a representative democracy.

In treating upon this subject, we must not certainly neglect an essential objection, and one which is frequently repeated. It is said, that the executive authority, when placed in the hands of one man, would endanger liberty, particularly in a country where a great armed force is habitually necessary; yet when we recollect, that the public opinion alone re-

strained the royal authority in France, is there any reason to dread an usurpation of power, an attack upon liberty, when that opinion would find itself assisted by a body of representatives, by a house of peers, and by a national charter, and when every necessary precaution had been taken constitutionally to render the abuse of the armed force almost impracticable? precautions adopted in England, but which might still be extended without any inconvenience to the social order.

Every thing in political affairs is subject to chance; but I doubt not, if we could wake from the tomb, not merely a Robespierre, but the man most daring and most subtle in intrigues, and ask him in which place he would chuse to act successfully the character of an usurper, it would not be England, but France, that he would prefer; he would be discouraged at beholding the representatives chosen with so much preparation in Great Britain, those representatives of the commons, all enlightened by a liberal education, and attached to the support of order by their quality of landholders; he would be discouraged at beholding those peers of the realm, to whom a monarch can offer nothing more valuable than their political dignity; he would be alarmed at perceiving all the inspectors who
surround

surround the supreme power, and whose attentions are fixed upon one being, upon the prince and his conduct; he would see in England degrees of rank and no oppression; and he would not know how to deceive the people, and make them quit their situation to assist and favour the progress of despotism; but the new Robespierre or his parallel, or, still better, a Marius, a Pisistratus, would perceive in an instant the assistance which an ambitious man might derive from the new social order in France: let us follow him; he would conceal his views for some time; but, become a director, he would begin by irritating his colleagues against the proceedings or the forms of the legislature; he would place them by degrees in opposition; he would engage them in wrong measures, and at last terrify them by representing the persecutions to which, collectively or individually, they would find themselves exposed the day when they should return to a private station; he would then inspire them with the desire of perpetuating themselves in the supreme rank, and, far from displaying the dangers and the obstacles, would speak only of the chances and probabilities of success; he would then show how easy it is to create discord between the two councils, and to gain the small number of men proper by

their character to entrap weak minds; he would point out the various uses that might be made of promises and threats, of hope and fear; he would develop and exaggerate, if necessary, the multiplicity of means of seduction applicable to men of moderate fortune, who, after having once approached to power, retire from it with regret; afterwards he would give them an idea of the arts that must be employed to discredit the councils, and ruin them in the public opinion; and he would well know, that in a constitution where the executive authority has no part in the legislation, the depositaries of that authority may, with artful allurements, show themselves as the friends and habitual defenders of the lowest classes of the people, and leave to the two councils all the odium of taxation and rigorous measures. And who cannot see how easy it is to disturb a nation, whose individuals have been placed by equality upon the borders of all pretensions? The new Robespierre, as soon as he had determined his colleagues to take a first step, would command them to a second in the name of their own safety; and he would very speedily become their absolute master, because he alone could appease their doubts and uneasiness, he alone could have the means. It must not be forgotten that I have merely wished

wished here to compare the chances of usurpation in two countries, the one under a limited monarchy, the other a republic; and I shall conclude the parallel by observing, that with a parity of obstacles, with a parity of dangers in the ambitious plans of a prince or of an executive directory, there would be always this marked opposition, that an hereditary monarch, or to explain myself more particularly, a king of England, could not without absurdity desire a better political situation than his own, whilst in France, the men in the chief authority would find themselves placed between the obscurity from whence they came, and the obscurity that awaits them. What a situation! Can there be one more calculated to torment with desires or regret an ardent character, a mind greedy of power or of renown?

The ascendancy and credit of the prince in the social order adopted by England has been and is exaggerated. The influence of the crown over the house of commons has limits universally known, and it can never alter either the love of liberty, or the respect for the national constitution. Besides, the chief cause of this influence is the indirect intervention of government in many elections of members of parliament;

parliament; a circumstance foreign from the essence of a limited monarchy, and which would cease in England, or be greatly diminished, the day when the right of representation should be more equally divided between the different towns of the kingdom.

The suffrages of many of the members in both houses are likewise directed by hope, and it would be difficult entirely to destroy this kind of ascendancy. Ought it to be destroyed? Is it not requisite for order, for peace, for liberty, that the spirit of opposition should be moderated? This spirit has also its germ of corruption. The desire of popular applause, the ambition of celebrity, influence the conduct of men as strongly, and frequently more so, than the desire of pleasing the distributor of favours.

But I am now tracing a parallel between the two kinds of government; and it will be enough to ask, if it can be believed that men, exempt, as in France, from producing any proof of fortune to be admitted into the legislative councils, are secured from corruption; if they are less so, in a general rule, than men necessarily proprietors, some of a revenue of three hundred *louis* landed property, others of six hundred, according to the nature of the district

district they represent; and such is the condition imposed upon members of parliament in England.

It will be replied, that the executive directory in France has no civil list, and that therefore no means of corruption will be placed in its hands. But can it be doubted that it will demand funds for secret expences; that it will obtain them with ease; and that it may find there, if it thinks proper, a resource applicable to its private policy? It will likewise have the distribution of a great number of places, all at the convenience of the relations and friends of a class of persons whose state and fortune will not secure them from every kind of ambition, from every kind of avarice. I speak in a general manner, and treating the question according to common rules.

We may remark likewise, that the dangers attached to corruption, those dangers almost inevitable, will be always circumscribed in a country where the public opinion preserves its authority; but I fear its weakness in a vast democracy; I fear its weakness in a society founded upon absolute equality. What! is it not in such a country that the public opinion must act in a mass, and in a manner then irresistible? Yes, but the kind of movement in which all the citizens associate depends upon

upon a particular event, upon an extraordinary circumstance; and rarely is it separated from a spirit of revolution. It is not thus that the public opinion can exercise a useful, a daily censure; it cannot fulfil so important a function except in states where gradations of rank are established; in states where these gradations give force to ideas of respect, and sentiments of contempt; but where nothing can be done but with the people and by the people, scarcely any thing is made of these moralities; and even praises or censures would be old and useless weapons, if some periodical writers had not possessed the talent of using them conveniently. It is not, however, less true, that opinion, such as it was once conceived, that opinion so subtle and yet so dreaded, will have no more credit in France; it has lost its knights.

Thus it may be seen, that in the new republic, the persons in authority, legislators, ministers, and directors, may commit an hundred faults with impunity, of which one alone would have totally ruined the reputation and the power of a man most high in favour with the prince.

The right of representation is always spoken of, and its authority and assistance. We must likewise estimate what this avails; what the influence

influence of public opinion avails in its good times. We have seen nothing but the election at the primary assemblies; but this boasted prerogative is perhaps that which is least penetrating, least efficacious in the moral power of a nation.

I am so persuaded of this truth, and of its various consequences, that, supposing not men taken by chance, but real proprietors, at the head of the French republic, and the sole depositaries of the executive and legislative powers, and supposing that we could then by a moral calculation estimate the degree of their authority in the nation, it would be found, I doubt not, inferior to the degree of authority which they would enjoy under a limited monarchy, under a government where they could have, as in England, but a part in the legislation; it is because, under such a government, the public opinion would be directed by them, by the mass of men of fortune and education, instead of which, in a representative democracy, though men of property should possess for the time all places, they would not the less continually respect the prejudices and passions of the multitude. Thus badly supported by a public opinion wavering or in discredit, their authority would be

be every thing in appearance, and yet possess no confidence, no stability.

Thus it is with power and its action; and watchfulness and censure are in the same manner altered in their essence when the public opinion is displaced, when it no longer resides in the first ranks of society, when it no longer associates with intelligence, when it no longer emanates from a generous instinct. A responsibility of life and death may still be imposed upon men in authority; but that of dishonour, that of shame, has almost disappeared, or inspires no dread.

We cannot assert too strongly, that nothing in useful and daily services can equal public opinion; it is vague in its existence, but its effects are fixed, its action continual; it is stronger than the law, stronger than the *gendarmes*, and yet we must now expect, that after being rendered timid in the tumult of equality, it will no longer have confidence in itself, and will become altogether vain.

A remark of another kind ought to be placed in the continuance of this subject. It is in the nature of things, and still more particularly in the indestructible essence of the social world, that the greater part of men should be discontented with their fortune. This disposition of mind, which comparisons induce,

induce, has every where deserved caution on the part of the supreme authority; and when great faults in administration, or extraordinary circumstances, have augmented the inquietude of the people, princes in monarchical countries have frequently believed it necessary to open a new career to hope, by removing their principal ministers, and presenting others to the attention of the nation.

But suppose a republican directory instead of a king. How would it act in such a situation? how would it act to divert the public movement or calm it? The ministers of this directory will be of a nature resembling its own; and, moreover, the directory itself would be its object; for its destination has not been reduced, like the function of kings in limited monarchies, to be the majestic representative of the supreme authority, and the type, in some manner, of an imposing, almost a magical idea.

It will be said that the French directory is subject to a successive renovation, and that it is thus prepared for the necessity of watching the public interest, and encouraging the public opinion from time to time. I do not think the means will be sufficient. The change of one man in five, and from year to year, this trifling change will not prevent the directory
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from appearing to the nation as an uniform being, as an abstract being, always the same; and if the estimation of this singular being can not support the proof of time, it will be towards a revolution in the very nature of the government that the public inquietude will direct itself.

I shall not be attended to if I say at this time, that even the effects of *ennui* among the French must be dreaded. Can they support that long and monotonous oligarchy composed of five persons united under one name? The directory! always the directory! and no images, no variety, nothing in appearance, nothing prominent, nothing changeable, and all for a created authority which no vague idea, no prejudice surrounds. They are, beyond a doubt, attached to a constitutional code; but that code itself requires colouring; its characters are too faint for a writing to posterity, for an address to all ages.

Be assured likewise, that the directory will perceive the little analogy between the national character and the uniformity of sentiments, which the uniformity of a supreme magistracy, destined to represent an eternal abstraction, appears to require from the French; and then, to vary itself in the imagination of
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the spectators, it will seek for events, it will call for inquietude, or at least will not prevent them, and at length war, perhaps war, will please it better than peace.

It is entirely to the intelligent, to the presages or perceptions of men of reflection, that I submit this last part of my speculations or of my doubts.

I will make but one reflection more upon limited monarchies, and I address it more particularly to minds of sensibility.

I see in the composition of a government of this kind two beings absolutely distinct, and which almost resemble two species in nature; the one is the single being, the other the collective being, and both have their use. The utility of the collective being, for maturing deliberations, preventing despotism, and collecting the greatest number of lights in a focus, is known and acknowledged; but less attention is paid to the particular services of the single and simple being; yet the real responsibility, the real necessity of pleasing, the real ambition of a noble glory exist but in this; it is this unity that draws every thing, because it enjoys every thing; it is this unity which estimates, which calculates every thing, because it endures every thing; in fine, and I truly believe it, it is

by unity alone that compassion and goodness are represented; yes, these precious virtues, these virtues in their beautiful nature are rarely the property of collective beings: courage, audacity, and sometimes false heroism, appertain more to assemblies; every one may there take part, every one may in words, and with the claim of increasing it; but goodness is a sentiment of a single cast, compassion the same, generosity the same, forgiveness, mercy, the same, and all these impulses belong exclusively to the single being. Sweet and consoling reflection, which brings us back, with confidence and with love to the idea of one sole God, of one sole master of the universe. Ah! feeble as we are, and led to so many errors by so many seductions, what hope could we embrace if we were to be judged by a *celestial convention*! We all desire, and without reflecting we all demand and seek one sole being above us, a being whose inconceivable goodness is inherent in his own nature, in his single nature, in his single will, and in his almightiness.

But as we descend again from these lofty thoughts to our little domestic arrangement, we will observe that this is one perfection more in governments, when, as in England, they have known how to employ skilfully
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both the single being and the collective being, the king and the parliament, the parliament and the nation; where they have known how to unite these different agents with harmony, and where they have rejected none of the elements of which the social order is composed.

You then, O country renowned in the annals of history; you, whose wise liberty has shone so long amidst the darkness of an ignorant servitude, be not ungrateful for the good you enjoy, the good which you have proved, and take heed how you suffer yourself to be dazzled by the political chimeras which novices in legislation have scattered over the world! A great error would it be for you, more than for others, a source of misery, of misery unending and irreparable. Your soil, your climate, your prosperity, entirely from the work of man, and many other circumstances, oblige you to particular caution. France, with its fine sky, with its pleasant temperature, with its various productions; France, with its exquisite wines instead of your malt liquors, with its forests instead of your coal mines, with its abundant fruits produced in the open air instead of the laboured produce of your hot-houses; France, with its twenty-five millions of men susceptible at once of ardour and of

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patience;

patience; France, perhaps, with a fickle and versatile national character, with a character that permits it to pass suddenly, and almost with ease, from despotism to liberty, and from liberty to despotism; France, which may be roused to tumult with words and appeased with new words, and which, within six months, has suffered every virtue and every crime to be made the order of the day; France may play a deeper game than you in revolutions, and such attempts, such a proof, as may leave her still standing, would perhaps subvert you from your foundation.

You will not envy this country; you will not envy it, if you are wise, the ideas and hopes of liberty, of which the *name* of republic is as yet the only security; and you will continue faithful to the sentiments of esteem which you have so long professed for your constitution, for that constitution whose various advantages are attested to you by experience, by that great verifier, the only one deserving compleat faith. A social order is still unknown before it has encountered that infinity of obstacles, of which the theory gives not even an indication.

Finally, confining myself to the very text of the French constitution, and supposing its literal execution, I would ask the English, if
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they would wish for the support of their liberty, if they would desire for the guardian of their properties, the principal dispositions of that constitution, of which I have already given an account? that right of petitioning, subject to restrictions that annihilate it? that liberty of the press, promised and withheld? that right of representation, restrained by shackles that render it uncertain? that renewal of the judges, which subjects those magistrates to all the sentiments of hope and fear? that interdiction to the civil and criminal tribunal of taking cognizance, either from themselves or upon the complaint of an individual, of any act of administration, and consequently of any abuse of power? that second legislative house, reduced to a passive forbearance, to a monosyllable language, and which, though a spectator of the most tyrannical usurpations, could not lift up its voice in the name of the privileges of the people and of the nation? I would ask the English, if they would be contented with the abolition of the right of pardoning, and the abandonment of religious ideas? I would ask them, if they would wish that there should exist in the state an authority invested with the power of sending them all to war in the four quarters of the world, countrymen or townsmen, weak or strong, rustics or men of

talents, rich or poor, men of property or hirelings? if they would wish that there should exist in the state an authority, with the right of subjecting at once the most numerous or the most valuable part of the male population to the military yoke? with the right of executing this plan by violence, and of leading all those citizens in disgraceful chains to the army who had attempted to escape from that despotic usage of their lives and persons? if they would wish that there should exist in the state an authority with the right of disposing of the fortunes of individuals by a capricious choice, or by arbitrary rules? if they would wish this, they who will not believe that they have yielded to the union of the three legislative wills the power of compelling an individual to sell a square foot of his field or of his garden? I would ask them, if they would wish that there should be in the state an authority with the right of prohibiting all the inhabitants of Great Britain from departing from that island? if they would wish that there should be in the state, an authority with the right of proscribing and exiling the citizens by orders or classes, and thus cruelly confounding the innocent with the guilty? if they would wish that the prince were allowed arbitrarily, and without any legal

legal instruction, to send an Englishman of Norfolk or of Cornwall from London, and command him to go and reside in his own parish? I would ask them above all, if they thought that to have taken a trifling, an indirect part in the choice of the depositaries of the supreme authority, was enough to make them submit without regret to the excess of their power? finally, I would ask the English, if, notwithstanding the many substitutions of nomination, such as from the people to the electors, from the electors to the legislative body, and from the legislative body to a directory, they would still find at last such a continuity of themselves, such an identity, that always seeing themselves in the master from whom they might receive orders, they could confound his commands with their own will? Ah! let them take heed how they adopt, without mature reflection, all the consequences of these metaphysics! let them take heed, how they ever sacrifice realities to appearances, things to words, and the fruits of experience to the promises of theory! As yet, it is the title of republicans that, independent of their military successes, has composed all the advantages of the French; and this title has been for them as yet only a signal for abstinence. The true republican,

it has been said to them in different manners, submits to every thing, supports every thing, endures every thing; and if it has not been added, from liberty itself, it is because that was the last secret of free-masons.

The most strange ideas of justice have been given them; and whilst their new masters were lightly sacrificing the individual being to the collective being, and the living being to the abstract being; whilst they suffered themselves to strip individuals in the name of the community, citizens in the name of the country, Frenchmen in the name of France, and, reversing the law of Moses, boiled the kid in the milk of its mother, elsewhere and under the pretended yoke of a limited monarchy, elsewhere and under the dominion of certain old prejudices, property was respected, the fruit of his labour was left to the industrious man, the inheritance of their fathers was left to the children, and the state and its force, the country and its protection, were considered as the incorruptible guardians of individual and reciprocal rights.

ADVANCEMENT

Towards the end of 1793, at a period when all my efforts were directed to the improvement of some of the most important parts of the new edition of my work upon the economy of power in Great Britain. They had an immediate relation with the progress and opinions of the

PHILOSOPHICAL REFLECTIONS

UPON

EQUALITY.

ADVERTISEMENT.

TOWARDS the end of 1793, at a period when all my affairs were deranged, I employed myself in annexing some Reflections upon Equality to a new edition of my last work upon the executive power in great states. They had an immediate relation with the manners and opinions that have been weakened since the fall of Robespierre and of the Jacobins: I have not, however, thought it improper to place them here. These reflections present, in a general and philosophical manner, a question which one might, perhaps, wish to consider in different points of view; and it appears to me, on re-perusing them now, that they are not wholly devoid of interest. At least they cannot be judged foreign either to the French revolution or to the first principles of social organization.

PHILOSOPHICAL REFLECTIONS

UPON

EQUALITY.

VIRGIL tells us that Eolus, to satisfy the pride and vengeance of an enraged goddess, struck with his iron sceptre the subterranean vault where all the winds were imprisoned; they saw their dungeon open, and instantly rushing out with fury, they shook, they overthrew every thing upon their way, the temples, the palaces, the most ancient works of men; the seas lifted themselves above the shores, the earth appeared changed into one vast liquid plain, and Neptune then pronounced that *Quos ego*—since become so celebrated in the history of fable.

These poetical images appear an allegory of the present time.

Our kings of the winds, the metaphysical philosophers, have served hatred and envy,
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by diffusing, by propagating every where the theoretical ideas and speculative maxims confined, till our days, in the obscure retreats of the schools, or subjected, at the time of their action, to the yoke of wisdom and of reason.

Thrown at once, without measure and without direction, into the midst of political societies, they have made more ravage in the moral world, than the furious winds unloosed by Eolus could have caused upon the earth.

These ideal abstractions have destroyed the support of public order, the ties of morality, and the wise gradations destined to compose the system of governments; they have disunited every thing, displaced every thing, thrown every thing into confusion, and the universal tumult has resulted of which we are the witnesses.

Alas! amidst this convulsive movement, amidst this chaos of all the political elements, who will pronounce the words of Neptune, who will say, *Quos ego*—, to appease the waves and calm the tempest? Will it be reason? will it be misfortune? will it be divine commiseration or divine vengeance?

Of the different metaphysical principles which in our days have shaken the world, the most remarkable, the most important,
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both by the extent of its influence and by the diversity of its relations, is, I doubt not, the principle of equality, such as it has been understood, such as it has been interpreted by the new legislators of France.

This principle must necessarily please the greater part of mankind; for it is not the multitude that can judge soundly of the importance of gradations in the social order; it is not the multitude that can distinguish them from the gradations of happiness, the only ones on which it can reasonably employ itself, the only ones of which it may be permitted to be jealous.

When, therefore, the philosophical writers and orators, when the legislators of a country encourage this multitude in its mistake, when they cherish its sentiments of envy, when they themselves become its guides, it must attach itself with enthusiasm to all ideas of equality, of total levelling; and these singular ideas are so new upon the earth, that no experience has as yet given warning of their illusion and their danger.

It belonged to enlightened men, to that part of a nation who can understand truth by the exercise of judgment and reflection, it belonged to them to foresee all the consequences of such a system; but led away by
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the charm of novelty, or themselves the dupes of their abstractions, they proudly entered into the labyrinth of their metaphysics, and when they have from time to time wished to come out, when they have endeavoured to bring back the crowd that followed them to paths more open or better known, they have discovered that it was no longer time; they had lost their authority by the effects of their own doctrine; for by proclaiming men equal, by calling upon the people to exercise their force, and giving them the secret, by supposing in them from flattery that information which always has been and always will be the fruit of education, they have established their confidence, they have created their boldness, and the small number of principles asserted by their institutors have become the type of their pretensions, and the commencement of their supreme power.

Let us examine this equality with which men have been amused, this equality whose chimera can only serve to deceive them and render them unjust.

It is incompatible with public order, it is essentially contrary to liberty, it is in opposition to morality, it does not even accord with individual happiness. These are the truths which I purpose developing.

*Of Equality in its Relations with public Order
and with Liberty.*

THE great source of the philosophical errors which have disordered France, after having bewildered its legislators, is the little attention that has been given to the principle of subordination in great states, the little reflection that has been made upon the conditions necessary to the empire of the laws, and to the support of social discipline.

It has been believed, that the submission of a great people to the obligations imposed upon them by a few men was a simple affair, a circumstance almost understood, and the necessary result of the punishments inflicted upon those who transgressed the public order.

They could not be ignorant that, in all countries, there have existed ranks, gradations, and bonds of deference and respect, which served to support subordination in political societies; but recollecting that the greater part of these distinctions had frequently been a motive of triumph or of arrogance to the one, and a cause of humiliation or of envy to the others, they fixed all their attention

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upon

upon these relations of man to man, and lost sight of the political utility of differences of state, of rank, and of fortune.

Struck in this manner by one view, abandoned to one impression, the new philosophers of France considered all inequalities as the product of a system of injustice and oppression, invented and supported by the prejudices of personal interest; they therefore gave the name of tyranny to whatever had once wounded their self-love, and wished that the reign, for ever terrible, of their opinions and of their principles should be considered as a deliverance.

They have fancied that they were enlightened more than others, by science and meditation, and yet they have conducted themselves like the chief of a horde of barbarians, by destroying all the solemnities of the moral world, and making uniformity by an universal debasement.

In fine, turning their attention from the most marvellous of phenomena, from the civil and political union of twenty-five millions of men, they believed that public order could be maintained in an immense country without any of those gradations that prepare the people for sentiments of respect and obedience, and without any of the separations destined

destined to preserve authority from all the familiarities that debase it.

They would have thought it was degrading the power of reasoning, or rather that argumentative force in which they had placed their trust, if they had stooped to call in the assistance of imagination; if they had stooped to make use of the means employed by all ages toward human weakness; and thus, despising the lessons of history, they chose to begin the task of social organization, and regulate every thing by an ideal model and a speculative plan, which had never been submitted to any proof.

It had, however, been philosophical likewise to have discovered what there was singular and mysterious in the establishment of order; it had been philosophical likewise to have seen or to have acknowledged, that the habit of respect and subordination in a great people can never be the simple consequence of reflection.

Men are rarely endowed with that capacity of mind necessary to render an enlightened homage to the law; a very long circuit of thought is necessary even to perceive the analogy of personal interest with the public interest. No education can render so complicate a perception easy, or at least universal;

and nothing is more absurd than to hope this from that numerous class of society, who are obliged by their situation to devote themselves to labour, from the first developement of their strength.

It is then by a feeling, and not by an opinion, that the great mass of men must be attached to those truths that preserve the public order. The counsels of mind direct us only at intervals. They must be called, they must be fought, and we ourselves must be calm to give them an attentive ear. The inspirations of feeling are in us and with us at every instant, and it is by them only that we can be governed in the daily habits of life.

The idea of liberty, that idea the most simple and the most seducing of all, might appear to stand in need of no assistance to reign as sovereign over the mind of the multitude; and yet they have believed it necessary to attract partisans to it by such external symbols as are proper to fix the attention of the people, and prevent their inconstancy. The altar of liberty, the tree of liberty, the cap, the flag of liberty, devices, emblems, all have been invented to accomplish this end, and speak to the senses. It requires much more care, it requires many more visible signs to support

support the habit of respect towards the law, and towards the persons invested with authority in a great state; for the necessity of obedience and of subordination is a kind of abstraction, to which it is of importance to give life by all the means proper to captivate the imagination of men.

But of these means there is none whose effect can be more certain, and yet more mild, than the habitual spectacle of different gradations introduced by time into political societies.

It is undoubtedly of consequence, that these gradations should be proportioned to the nature of the government which has been chosen; but to admit none, or to authorize them only in a fleeting, transitory manner; but to proscribe equally the distinctions that depend on birth, and those which are derived from differences of condition, differences of fortune, differences of education, differences of landed property; to degrade the dignity of the place to which the public administration is attached, by delivering up those who occupy them to every kind of censure and every kind of mockery; to expose, even to the derision of a bewildered multitude, the imposing character of the ministers of religion, and thus to weaken the salutary ascendancy

ascendancy of the first institutors of morality; to break even the bonds which serve to guarantee the respect of children for their fathers; this is introducing a system incompatible with public order; this is, from hatred to the social gradations, establishing and favouring the most dreadful anarchy.

They have conceived the idea of a perfect equality, and they have not thought, that to destroy the estimation of all the depositaries of authority, it would perhaps be sufficient to substitute familiarity of manners to the external forms that preserve men in habits of reverence. Respect is a plant foreign to our selfish nature; it is time that grafts the one upon the other, and, once separated by an unskilful hand, they will hardly re-unite.

Let us consider, under other relations, the subject of which I am treating.

We all in common aspire to a change of situation, and we all love and seek new prospects: this is the indestructible result of our moral organization. We are then restrained in our wishes and restless ambition only by the different circles formed in the political societies of which we make part. These divisions are not separated from each other by indestructible barriers; they merely oppose a salutary obstacle to the dangerous efforts of
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a blind jealousy; and it is very necessary to leave some compartments amidst our immense assemblage, if they would wish to prevent the numerous inhabitants of a vast empire from intermingling with confusion, from aiming at the same end, and striving for the same prize in the career of life.

It is when they are called to the same pretensions, or equally attracted towards ideas of power and authority, that men emulously dispute; and when the whole society is composed of rivals, when there is no longer any distance between those who govern and those who are governed, no subordination can subsist, and it is to the competition of all vanities, to their unruly emulation, that the social order is sacrificed.

Such is the state of France, and such will be the destiny of all countries of great extent, when they shall have placed perfect equality for the basis of their political union.

Society is a combination of our mind, a work of our hands; we cannot find in it what we have not placed in it; and in the unknown time when it was first invented, at the period when it was first composed in a regular manner, it was not equality, considered in all its acceptations, that the founders proposed to maintain; they desired, on the contrary, to se-

cure from unjust attacks the inequalities of fortune, which were, and which must be, the necessary consequences of degrees of strength and difference of talents.

We had laboured after the example of the supreme wisdom, when, for the establishment of public order, we had employed the different inequalities of our moral and physical nature to keep us in harmony, instead of blindly attempting to level or to destroy them.

Let us contemplate the universe, and we shall see that it is composed entirely of varieties and dissimilarities. The unknown power, who governs it, has directed this beautiful system towards one sole end, as he has made it depend upon one sole will; and the happiness of animated beings presents itself to us as the most probable explication of so marvellous an organization, and of the most incomprehensible of mysteries. We had then, in some manner, associated ourselves with the Mind of the creation, when, profiting by the perfectible intelligence which has been given to us in partition, we have copied, in the construction of political societies, the characteristic traits of the order of the world.

In this relation, which elevates and ennobles us, we may be permitted to delay our atten-

tion a moment upon the difficulties which must have opposed the regular union of men into national bodies, and upon the still greater difficulties which we had to vanquish, to maintain and perpetuate such an union, to subject to the empire of one sole law the tumultuous conflict of so many passions, and the inconstant movement, the always diverging action of an innumerable multitude of interests and of wills.

Public order in political societies, like the harmony of the great forces of nature in the universe, presents to our attention a result whose simplicity too often lessens our admiration; and our habitually beholding the same spectacle, renders us insensible to the miracles of the physical world, and to the phenomenons of the moral world.

But, when we decompose in idea the different elements united by the social order, or when, at the moment of its ruin, we begin to understand and estimate the infinite number of parts of which it was formed, we are then astonished that so many contradictory principles, so many clashing rights, and so many rival pretensions, could have been brought together and disposed with regularity.

It is not then the wisdom of legislators which has alone accomplished this task; this

had done nothing without the assistance of time, and without all the light which experience has cast upon the path of genius and upon the researches of thought.

Would we perceive this truth more distinctly? Would we have a general idea of all the subjects of disunion, of all the motives of discord that opposed the establishment of social order? Cast then a glance upon the immense scene of the world: what do we behold? Beings intelligent indeed, but each occupied by his individual interest; beings guided, governed, by the love of themselves; beings who, by the gift of foresight, attach their unconquerable selfishness to the future as to the present, and who extend that sentiment even into the space figured by imagination; beings led away from social ideas and social virtue, by the inquietudes of jealousy and the gnawings of envy; beings who have to regulate not only their passions, ever ardent and determined by an imperious instinct, but who have likewise to direct, in the numerous details of a complicated life, the liberty which has been given them, of doing good or evil, and the dangerous power which they possess, of injuring, at every moment, themselves or others; beings resembling each other in appearance, but endowed with moral faculties
unequally

unequally perfectible, and which form a progressive gradation of reason, and genius, and talents, and whose innumerable degrees extend from the first traits of civilization, from the proximity of the deepest ignorance, even to that sublime perception, perhaps one of the rays of the heavenly light ; beings differing one from the other in education and character, and the sentiments appertaining to the different ages of life ; beings scattered over an earth whose reproductions are limited, whilst they and their race, continually increasing in population, conformably to the laws of nature, arrive through their prosperity to dispute the means of living, and engage in war to obtain them.

It is, however, from such a conflict, from the chaos of so many pretensions, of so many interests, of so many wills, that an admirable harmony has been seen to arise ; that millions and millions of men, enemies or rivals in their wants and passions, have been seen to assemble together in peace, to intermingle without confusion, to approach each other without fear, and preserve each his place amidst a moving scene and a perpetual agitation.

I doubt not if an intelligent being, who, removed far from the commerce of men, had never acquired any idea of the contexture of
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political societies, if such a being was, for the first time, informed of all the circumstances of that singular organization, if he was told how so infinite a number of obstacles and of contrarieties had been reconciled, and so many principles of discord and confusion converted into one harmonious system, he would consider the success of this enterprize as one of the most admirable results of human wisdom; and if returned to his solitude, there to meditate upon the relations that exist between the industry of men and the ways of nature, it was suddenly announced to him, that a few fanatics, servilely assisted by their blind disciples, had destroyed, almost in a moment, the work of time and of genius, that social order whose mere ideas astonished the understanding, and that they had conceived this project, and executed it from a theoretical hatred to the variety of forms, or unequal height of the columns destined to support so skilful a structure, he would demand the name of those barbarians, he would wish to know in what savage country they were produced, from what forest they came, and would enquire concerning their manners, their customs, their language, and their dress.

These images it will, perhaps, be said, these comparisons,

comparisons, these apologues, have no real application to the present time. We clearly perceive the anarchy which reigns in France, and the principles of equality which are professed there; but the disorganization of government cannot be attributed to these principles; for in the abolition of all ranks, in the levelling of all conditions, the magistracies have been preserved, and these magistracies are invested with an authority particularly destined to the support of public order.

This argument, which any one may advance, and which any one may understand, seizes us at first by its simplicity; but it must lose all its force if it be true, that no authority can subsist long without violence amidst a system of perfect equality.

Let us develope this proposition. There is none whose consequences can be more important and more extensive.

Men have been led to think that authority can be created at the command of the law, because, when assembled in national bodies, they have the power of conferring that authority either upon a monarch, or a small number of selected persons, or a more numerous class of citizens. They have been deceived by the resemblance of these two ideas;

ideas; but to an attentive observer they are very distinct.

The concession of an authority, its solemn adjudgment, are by their nature positive acts, acts clearly and distinctly figured; but the formation of that authority is a moral operation, whose success depends upon an infinite number of preparatory ideas.

The people or their representative may confer a power then upon whom they think right; but this delegation becomes null, if *such a thing as authority* is incompatible with the political elements of which the social system has been composed, and if it cannot support itself; if it cannot exist amidst the opinions with which the public mind is possessed.

These opinions, whether they have a real foundation, or are derived from a mere prejudice, will always have an over-ruling dominion over us. It is without any mediation, without any representative power, that they command us. They are not, like the law, a supposition of the general will; their empire is direct, evident, and unceasingly avowed, and the legislator may vainly attempt to elevate and support an authority in opposition to them.

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When, therefore, it had been said to men, you are all equal; when this axiom had been presented to them in all its forms; when every argument and every illusion had been employed to attach the multitude to ideas so pleasant in their commencement, so seducing in their appearance; when degrees, and ranks, and superiorities of every kind had been destroyed in the presence of the assembled multitude; when their attention had been occupied by this new spectacle, and diverted from the uproar of so many subversions, and their senses impressed by every method, it was indeed having no idea of the nature of man to believe still in the power of any moral authority, of any authority independent of menaces and of constraint. All separations have been destroyed, all the boundaries of imagination removed, all pretensions placed in action; it is no longer time to check any one; every one wishes to influence the government, every one wishes to partake the pleasure of commanding, every one wishes to place himself in the avenues to power and authority. They wish to be heard, they wish to be feared, and run tumultuously along the new roads, where some are led by curiosity, others by the desire of applause, and all by the confused hope of varying

varying their situation, and of changing their fortune.

By an absolute levelling, it is necessary to say so, they have at length composed and present one single view; and in fixing all attention upon the same object, all interests upon the same idea, they have made the men of France so many rivals, and the most numerous nation of Europe appears ranged in an amphitheatre, and converted into a vast political Lyceum, where they dispute upon the different manners of commanding, without perceiving that the whole people have entered the hall, and that no one is left without it to obey.

They have fixed, indeed, by writings, the number of legislators, the number of magistrates, the number of municipal officers; but when all men have been brought together by the ideas of equality, and by the solemnity which has been given to these new principles, no sentiment of respect can either trace or guard the circle of the different authorities, and all are exposed to the approaches of an infinite number of familiar persons, who expect their turn to govern, and who exercise previously a tremendous power in the clubs and affiliated societies, and in the public places, and in the galleries, where the
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first comers form around the legislators, around the administrators and judges, a double and treble rank of clamorous spectators, of passionate judges, and ungovernable agitators.

The Solons of France have depended upon the curb of the law to keep every thing in its place; but this curb, sufficient on common occasions, and when a few men, led astray by their private interest, imprudently attack the public interest, this curb is no longer strong enough to repress the disorders which derive their source from social pretensions and political passions. The struggle is then too great, the opposition is too general or too often renewed, to yield to the authority of the law. Opinion alone can govern or direct these movements, and when men despise its assistance towards supporting public order, when they would supply it by fear, and by the habitual exercise of severity and of vengeance, they abandon themselves to the most unjust and the most absurd of tyrannies.

It is not only in a great country like France, that the ideas of perfect equality, and their perpetual celebration, oppose the support of order. In very circumscribed societies fewer gradations are undoubtedly necessary. Nearer to the law, the people better understand its connections with reason and with the public interest,

interest, and they concur in common, and in an immediate manner, in the preservation of the civil and political code; but none of these circumstances, peculiar to small republics, could preserve their government from the dangers of anarchy, if the habit of respect towards the chiefs of the state was suddenly destroyed; and such is the necessary effect of a familiarity among all conditions; such is the necessary effect of the exaggerated system of perfect equality; such is the necessary effect of that levelling, which has never had an example, and which, proscribing every kind of respect and deference, even in language and manners, brings men back to the savage state, and renders null, to the social order, the most real distinctions, those that spring from all the differences and from all the superiorities of education.

Nature had undoubtedly a different view, when, endowing the human species with the best prerogative, with the faculty of rendering itself better, and perfecting its intelligence, she subjected, nevertheless, its whole developement to the succours of instruction, to the result of long study, and to the efforts of constant application; for such conditions cannot be fulfilled, in an equal manner, in a world where the slow reproduction of the
fruits

fruits of the earth, and the assiduous care that their culture requires, oblige the greater part of men to devote their lives to bodily labour, from the commencement, from the first essays of their physical force.

Every thing then appears to indicate, that, according to the laws of repartition established by the Supreme Disposer of nature, public authority, like instruction and wisdom, cannot appertain to all the classes of society.

They have been cautious, I know, of acknowledging the superiorities introduced among us by education. To admit them would, they thought, be prejudicing the system of political equality, and they surrounded themselves with authorities to impose upon others and to deceive themselves. They cited then that eloquent writer, who made himself the accuser of intelligence and knowledge; but that celebrated philosopher, whom the legislators of France have chosen for their patron, and who sought for the honours of singularity at a time when he did not presage all the glory which his genius would secure him, that philosopher never supposed that his doctrine was applicable to societies already formed; he regretted the simplicity of the first ages; but he has not told us that savages were able to govern the world.

It is not to the acquisition of science that the benefits of education are limited; we owe to it the developement of our reason, the confirmation of our wisdom; above all, we owe to it the refinement of our manners. Men, by their union in great societies, have so multiplied their interests, have so complicated their connections, that a natural instinct no longer suffices them. Public virtues particularly require to be supported by study and by meditation; and I know not if even our feelings, if gentleness, indulgence, clemency, and compassion, could be any ways fixed, if we had never reflected upon the weakness of men, if we had never observed the dangers with which their morals are surrounded, and never estimated their means of defence.

The diversity of our perceptions serves likewise to secure us from the dominion of one sole thought; and perhaps the balance of powers, that condition whose importance is so often recollected in treating of social constitutions, may apply as reasonably to the organization of our mind. In fact, man, when reduced by nature or by the defect of education to a small number of ideas, is very soon imperiously commanded by them, and every kind of excess is the necessary consequence of their tyrannical oligarchy.

France

France now presents us the demonstration of this philosophical proposition. One or two principles of government have been put in the heads of the people; and finding themselves insulated amidst the absolute void of every other kind of political ideas, they reign their sovereign masters. No mediating thought, no parallel reflection, no accessory notion, no balance, in fine, checks their despotism or limits their power. Hence so many follies, so many passions, such blind fury. No moderation, that virtue of the heart and of the understanding, will never be united with ignorance. There may be exceptions, but they will be rare.

It is then with reason that education, that commencement of all ideas and all information, must be placed amidst those supremacies which a nation ought to respect for its own advantage.

It will, perhaps, be thought that the consequences of this truth are destroyed or rejected, by observing that the disparities of education owe their origin to the differences of property; that every thing therefore will be changed, if to equality of ranks equality of fortunes be added.

The political system of the philosophers of France leads in fact to this new kind of level-

ling; but in forming such a project, in abandoning themselves to so ridiculous an enterprise, it is still with the nature of things that they will have to combat; and in the application of this theory they will run foul of an innumerable multitude of private interests, as happens and must happen to all the abstractions in direct opposition to the laws of the social movement.

It is, undoubtedly, easy with a tyrannical power, arbitrarily to reduce the great fortunes; it is easy, by the law of the most strong, to take away from individuals, either the fruit of their long labours or the inheritance of their fathers. Why should not authority, when it is armed, when it reigns despotically, when it is exempted from the ties of morality, why should it not execute in a general manner what a simple horde of banditti can effect in the limited circle of their ravages? But there is a great distance between such decisive resolutions, so effectual a stroke, and an absolute levelling of property, such a levelling as must be necessary to render men equal in education.

Force may instantaneously overthrow great fortunes; they are the lofty oaks, whose summits are seen every where, and which the axe of envy is always prepared to strike. But what means

means can be employed to destroy moderate properties? They are removed from riches; they approach to indigence by insensible gradations; and this confusion, this similitude, would give them for defenders an infinite number of citizens. Yet their existence would be enough to introduce all the differences which are the result of different degrees of culture.

The moral distance is incommensurable between the man who, born of parents without fortune, has lived from his infancy by the labour of his hands, and the man who entered the world with the most favourable auspices, and who has been able to devote a part of his youth to study and instruction. Notwithstanding, therefore, the adulatory homage which fear or ambition have in our days rendered to the ignorant class of the people, notwithstanding the hypocritical commendations which they have dared to give to his political capacity, the man deprived of the assistance of education will be always what he was, in all ages and in all countries. Nature has marked his rank in the scale of intelligent beings, and some exceptions to the general law cannot authorize the solemn admission of the principle of equality; a principle so dangerous in its consequences, which, giving to the multitude a

blind confidence, exposes to chance the social harmony, and submits the work of genius to the caprice of ignorance.

Let us, however, suppose, that, by a supernatural power, some authority in the state could reduce an ancient nation, a country of twenty-five thousand square leagues, a population of twenty-five millions of men, to an equal partition of property. Such a subdivision would be for us what it has been for our predecessors in the history of the world, the institution, the work of a moment; and the circumstances which raised the first proprietors one above the other, would produce the same effect after a second, after a third partition.

Will violence be multiplied to oppose new obstacles to this social movement? They might punish men for the exercise of their faculties, they might check the progress of industry, they might weary, they might discourage its combinations, and by placing obstacles to the production of the riches of nature, ungratefully oppose the beneficent and lavish views of the most generous of masters and best of friends. What a sacrifice to make to the jealous vanities that agitate us! But happily it is more easy to conceive the idea than to execute it or to render it durable. They may easily

easily imitate the Roman tyrant, and, borrowing his sheers, cut off the heads of the poppies that raise themselves above the others; but their shoots, subject to the laws of nature, would soon develope themselves with the same dimensions and the same beauty.

Perhaps it will be said, and indeed it is said, that there is no necessity for levelling property to give to all men an equal education; it is enough to establish free schools, and draw there the children of all the citizens, by supporting them during their first course of instruction at the expence of the state; but if this instruction must conclude at the age of six or seven years, the greater part of the children will only have had time to learn to read and write.

Will it be proposed to prolong the gratuitous instruction, and the continuance of the pension, at the public expence, till the young race can comprehend the elements of the social contract, and the principles of political œconomy? Insensibly they will have in their schools half the population of the country, and people will flock from all parts to search for instruction, which will procure for the students *food and shelter*. On these conditions, they will take care how they learn too fast, and no one, that he may continue to be

supported, will be deficient in unceasingly repeating—"I do not yet understand it."

Care must likewise be taken, how they attach the men destined by their situation to mechanical labours, to speculative ideas; for it is of consequence to their happiness, that they should contract that habit from their infancy.

All these novelties, extracted from the annals of a republic where there were few free-men and many slaves, and where the one talked and the others laboured, all these novelties are inapplicable to the whole mass of the inhabitants of a vast country. They are marvellous as long as they remain projected; but their glory ends the moment the proof commences.

Thus far, however, they are sure to captivate the multitude, for to please them it is enough to invent an immense expence at the cost of those who are called rich; but by pursuing this system, the end of great property will very soon be found; and at the moment when small fortunes, escaped from the wreck of justice, alone appear remaining, it will be seen that the population of a great country cannot be composed of pensioners, or of scholars paid as dearly as their masters.

We must, however, remark, that they have

always spoken against an agrarian law, whilst they employed all the means proper to lead to the same end ; but so many efforts to level property, so many speculative ideas destined to the service of tyranny, can only change for a time the nature of things.

Ideas of order are cotemporary with ideas of property, and we might perhaps find this last word before the other in the genealogy of language, if we possessed the archives.

Property then, the inequalities which result from it, and, by a necessary effect, the different degrees of education, are a consequence of the primitive organization of the human race, and every thing informs us that the ideas of pre-eminence and of superiority are inseparably united to the spirit of creation; every thing announces to us that they make part of that general order, of that universal harmony, whose design has been conceived by admirable wisdom, and whose traits we perceive so numerous and so striking in that little part of infinity to which we can attain by reason and reflection.

With these thoughts, what becomes of the principles of perfect equality, with which a new philosophy amuses itself by making a noise, and believes it derives so great a splendor

dor from; those principles, by whose aid it imagines to bring us back to the origin of things? Alas! they lead us as far from the track of genius as from the road of happiness.

Let our pretended sages carry their views farther; let them come out of the narrow circle of their metaphysics; let them overleap the boundaries of the contracted theory, whose admirers they have constituted themselves, and they will see that inequalities placed in harmony compose at once the system of the world, and the secret of social organization.

Inequalities placed in harmony; this is the motto of the universe; and the developement of this idea would have formed the charge of the legislators of France, if they would have learnt order from the genius of things or from the genius of ages.

There are few moral truths, whose type we may not find in the spectacle of nature, and in the study of its laws. It is upon this beautiful model that every thing should be disposed, if we wish to succeed in those vast combinations of mind which have action for their end; and the collecting together of men, their connections, their affinities, hold too remarkable

able a rank in the general order, to be separated a moment from the common rule.

Great pictures, and none is equal to the magnificent display of the harmony of the world; great pictures inspire us with the love of order, and instruct us in its importance; we perceive that they facilitate to our understanding the knowledge of immensity, and we discover also, that order in its perfection is, I may say, the plenitude of the views of the God of the universe, and the consummation of his lofty thoughts.

Undoubtedly, the attention of man cannot embrace every thing; but time, that genius behind us, by consecrating certain truths, has taken out the kernel, has circumscribed our researches, and he would have diminished our task, if we would have placed more confidence in his traditions and in his counsels.

Ah how salutary would that confidence have been, at the time when every political question was discussed in France! Men ranged around the social tree, around that ancient and majestic tree, whose deep roots seem by a point of contact to touch a link of the chain of the world; men respecting that work of ages, could not imprudently have given themselves up to principles sub-
versive

versive of all the opinions consecrated by experience.

It behoves the representatives of a nation particularly to take heed of the errors inseparable from an ardent spirit of innovation; it behoves them to distrust that victorious philosophy, that has wished to profit by the flexibility of moral ideas, to penetrate them, and to destroy the most ancient truths, and scatter there disorder and confusion.

What reproaches must not be made to a legislator, who weakly yields to principles destructive of the social harmony, to principles that place opinions to combat the laws of nature? His first duty, and at the same time his most difficult task, is to support, without injuring liberty, without convulsions, and without tyranny, the credit of those authorities which must be the safe-guard of civil and political order.

Filled with this idea, instead of destroying all the superiorities introduced by the immutable course of things, instead of employing in this injustice and oppression, instead of associating all the passions in this rash enterprize, he would labour with a different intention; he would not believe it good philosophy to sound the tocsin and beat the generale

generale to awaken all pretensions, and thus convert society into an arena of combatants; and beholding men such as they have been made, far from stripping all ideas of rank, without distinction, of the illusions which have so long attended them, he would employ these succours of imagination to render the duty of obedience easier, to render sentiments of respect less irksome, and to support the reign of the laws without the continual intervention of the means of vengeance and of terror.

It was certainly a singular choice amongst all the external signs of authority, amongst all the social institutions proper to strike the senses, to prefer the ferocious parade of punishments. Yet, when a systematical abolition of all ideas of authority, when a positive destruction of all gradations, when an absolute levelling in fact and in opinion had introduced amidst us a savage rudeness that disposed all minds to resistance, it was necessary to attempt to support by terror the power of government. The law in its abstraction, the law in its metaphysical nakedness, cannot awe the multitude; and it was to support its empire with all the power of imagination that so many old opinions have been consecrated.

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The new comers upon the earth have taken the task of destroying them, have placed their glory in this enterprize; and wherever their ravages have extended, there is no more order, no more harmony; and instead of harmonizing us with each other by means of that social similarity which they have attempted to give us, that very similarity, the work of constraint, which finds itself in opposition to the laws of nature, occasions a continual conflict; and every thing announces that men, after they are displaced, after the derangement of their ancient distances, can no longer accord, can no longer live together without discord and without confusion.

I am presenting ideas here that have never been developed in a precise manner; this is the fate of opinions, whose first principles are lost in the night of time; they come to us as truths consecrated by the silent assent of nations and of ages, and this kind of transmission has dispensed with our analysing them; but when a new generation of philosophers think proper to represent them as so many prejudices, it is then necessary to seek for their titles; and notwithstanding the dust that covers them, they may be found entire in the indestructible archives of wisdom and of reason.

Experience

Experience with her grey hairs; experience, surrounded with the spoils of time, has more right to our confidence than the speculative genius and the insulated science of these young preceptors, who have suddenly started up amongst us. Her counsels are the result of an infinite number of observations. She has seen pass before her revolutions excited by ambitious projects, and systems engendered by the different kinds of vanity. She has followed man through the ramifications of his character and the vicissitudes of his mind; and the principles of government, which we owe to her instructions, have been formed slowly, insensibly, and by a kind of aggregation of all the moral and political ideas susceptible of sympathy.

Could it be without any reflection, that on the view of that vast uniformity, the result of an absolute equality, it could have been believed necessary to introduce ranks and gradations, as the void of time has been divided by hours? Can it be the effect of chance? can it be without any cause inherent in the nature of things, that, since the origin of the world, this system of equality should never have been received, should never have existed in
any

any political society? Yet the history of all nations attests this truth.

The Romans, during the long period in which they showed themselves so jealous of their liberty, pronounced likewise with the same love the word equality; but if we compare the two ideas, the sense which they affixed to it has no affinity to the exaggerated interpretations of the legislators of France. They maintained the parity of their rights to the social protection, to the nomination of their first magistrates, and to the sanction of the laws destined to fix the duties of the citizens and their political relations, but at the same time a gradation of very distinct ranks was always seen in Rome. *Martia Roma triplex, equitatu, plebe, senatu.* And the sentiments of respect for the senators, the consuls, the censors, the augurs, and the different chiefs of the religion and of the state, were carefully supported by conventions or customs proper to impose upon the imagination, and sustain the hierarchy of powers, with all the authority of public opinion.

Lycurgus, by separating his country from the rest of the world, and prohibiting all commerce with strangers, succeeded in establishing a perfect equality among the Spartans; but

but with this equality they still had their ephori, they had their senate, they had their two kings, and, in another view, they had their helotes, who exercised as slaves, not merely the mechanical arts in the towns, but likewise all the labours of agriculture. Thus this equality so celebrated, this parity of dress, this uniformity of food, this sameness of instruction, and so many other similarities, were circumscribed within the number of families who formed exclusively the sovereign aristocracy of Lacedæmon and of Laconia. Amidst these families, however, and in the different relations of the free citizens to their magistrates, to their instructors, to their military chiefs, habits of respect and subordination were carefully preserved; and we know that Agesilaus, addressing himself to Xenophon, advised him to send his children to Lacedæmon, "that they might learn there the best and the most difficult of all sciences, that of commanding and of obeying." Remarkable words, and perfectly applicable to the subject I am treating.

The political order of the Athenians approached nearer than any other government of antiquity to the ideas of equality. But how distant was it, under different relations,

from the new French system ! The inhabitants of Attica were divided into many tribes, and the most numerous one, composed of citizens without property, had for a long time no part in the functions of government. They had a senate, archons, an areopagus, all in possession of different prerogatives ; and frequently the supreme power or credit was delegated to one man, by sending to him, from the people, the ring and the signet which served as the signs of that investiture. The nobles, for nobles existed at Athens, obtained this authority more frequently than the other citizens ; and the reputation with which it was exercised, during fifteen years, by the *gentleman* Pericles, has become, as every one knows, an epoch in history.

No parallel can be drawn between a country of eighty-six square leagues like Attica, and one of twenty-five thousand like France ; but a still more marked difference is, that the population of France is wholly composed of free men, of men called upon to exercise the rights of citizens, whilst ten elevenths of the population of Attica lived under the yoke of slavery ; there was therefore no equality except among the fractions of the other eleventh ; among forty thousand masters of every sex

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and of every * age. How then can it be said, speaking of Athens, of Lacedæmon, and of any other state in Peloponnesus, that the proof of equality has been made by the ancients?

It is likewise too little, merely to point out as a particularity, as two different circumstances, the slavery introduced in the ancient republics, and the absolute enfranchisement which exists in France, and in many countries of Europe. These two circumstances form a real opposition of nature; and liberty, equality, the sovereignty of the people, have not the same signification in a state, when the greater part of the population is placed out of society by slavery, and in a country where that barbarous custom is abolished.

We must not neglect to observe likewise, that in most of those republics, and in Rome

* The population of Attica, according to the numeration made in the time of Demetrius Phalereus, consisted of

		40,000 free persons.
		400,000 slaves.
		<hr/>
In all	-	440,000

There were, moreover, ten thousand strangers. M. De Pauw, in his excellent work upon the Greeks, takes this calculation for his guide; but undoubtedly, at a different epoch, the population of free men was more considerable, and M. the Abbe Barthelemy, whose exactness is acknowledged by all the learned, estimates the number of free men in Attica, able to carry arms, at twenty thousand.

particularly, the social discipline was protected by the energy of paternal authority, and by the religious sentiments of the ancients; it even found support from their superstitions; for at the moment of any great deliberation or any important enterprise, they were sure to unite all wishes and collect all suffrages, by making them hear the imperious voice of the oracles, of the sybils, or of the sacred ministers, who consulted augury and explained its mysteries.

All these republics, to supply the action of despotism, had recourse unceasingly to the empire of imagination.

The French are the only nation upon earth, who, suddenly transformed into political quakers, expect patiently that respect for the law may one day become the result of perfect equality.

They expect this in vain. This principle so boasted, this principle honoured upon trust, would be the first that a malignant genius would invoke, if he should boldly attempt to substitute chaos for universal harmony.

The same truths will discover themselves, under every form, to the eyes of an attentive observer; and I conclude by a singular remark; it is, that the summary of my reflections
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may be found in a discourse of the committee of the constitution to the national convention, a discourse destined as the preamble to a new project of a republican constitution prepared for France.

The * orator there gives an account of that plan; he presents the analysis, and speaking in the name of his colleagues, he explains the principles which guided their meditations; and it may clearly be seen that equality, always equality, has been their polar star.

Thus far, without doubt, their authority condemns me; but if we examine with attention the remarkable words † which conclude

* M. de Condorcet.

† These are the words:—" Frenchmen! we owe you the whole truth. Vainly will a simple and well combined constitution, accepted by you, assure your rights. You will neither know *peace, nor happiness, nor even liberty*, if submission to the laws, which the people have given themselves, be not to every citizen his first duty; if that scrupulous respect for the law, which characterises free people, does not extend even to those laws, whose reform the public interest solicits; if, when appointed to chuse the depositaries of all authorities, you yield to the murmurs of calumny instead of hearing the voice of renown; if an unjust suspicion condemns virtues and talents to retirement and silence; if you believe the accusers instead of judging the accusations; if you prefer the mediocrity that is exempt from envy to the merit that she delights to persecute; if you judge of men by sentiments which it is easy to feign, and not by conduct, which it is difficult to support; if, in fine, through a culpable indifference, the citizens do not exercise with tranquillity,

clude this preliminary discourse, it will be seen, that the best friends of equality do not trust in it.

Where would be equality and liberty, said the reporter of the committee admirably well, *if the law which regulates rights common to all was not equally respected?* Yes! this inquietude is reasonable. But equality of ranks, absolute equality, equality founded upon principles, equality become an article of faith, precisely prevents the equality of respect for the law, for it deranges the equilibrium which all legislators have established between the physical power of the people and the moral authority of their chiefs; between the passionate movements of the multitude and the circumspect conduct of the government; and it is thus that speculative equality, in a short time, destroys real equality.

“quillity, with zeal, with dignity, the important functions
 “which the law has reserved for them. *Where would be liberty*
 “*and equality*, if the law which regulates rights common to
 “all was not equally respected? And what peace, what happiness,
 “could a people hope, whose imprudence or inattention
 “would have abandoned their interests to men incapable or
 “corrupt? On the contrary, whatever defects a constitution
 “contains, if it presents the means of reforming them to a people
 “friendly to the laws, to citizens occupied with their interests,
 “and obedient to the voice of reason, those defects will
 “very soon be repaired, even before they can have been injurious.”

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Do not therefore the legislators of the committee, to secure the establishment of authority, to guarantee the support of public order, do they not require from the French people such dispositions, such qualities of the understanding and of the heart, as, if they existed, would almost render a social compact unnecessary?

The committee, in tracing, in presenting the plan of a constitution founded upon the principle of equality, show themselves full of confidence. But under what restrictions? *Provided*, say they frankly, *provided that the citizens exercise with tranquillity, with zeal, with dignity, the important functions which the law has entrusted to them; and provided particularly, that it may have to deal with a people friendly to the laws, and with citizens occupied with their interests, and obedient to the voice of reason.* But with such conditions the functions of legislators would become very easy; for it is not the definition of justice, it is not the description of public order, it is not the enumeration of the duties of a citizen, that have ever appeared difficult to them. Their great task is to render *the people friendly to the laws*, to render them *obedient to the voice of reason*, to secure the *tranquillity* of the depositaries of the public
B B 4 authority,

authority, to give *dignity* to their functions, to inspire them with *zeal* for their state, and ambition to show themselves worthy of it.

These then are the sentiments, these are the dispositions that are demanded under the title of preliminaries, and as conditions absolutely necessary for the success of the new plan of government; but in the order of ideas, these sentiments, these dispositions, must be the result of a political constitution instead of being previous to it.

Subordination, obedience, the empire of reason and of the law, are not fortuitous combinations, whose formation precedes the labour of the legislator; this moral *chef-d'œuvre* belongs to his genius; it is wholly of his creating.

It will perhaps be said, on reading these reflections, What! always subordination, always respect for the law, always public order! These same ideas have been presented to us enough, and more than enough. Liberty! Liberty! this is what we want before every thing and above every thing, and if equality is at once the pledge and the principle, we must love and cherish that likewise.

Of what liberty do you speak? and must we always have to combat with double meanings or mis-constructions? The liberty which
concurr

concurs to the happiness of men, the liberty which deserves their homage, is not a liberty which can be made use of every moment to disturb the public tranquillity, and to throw off with impunity the yoke of the law. Such a liberty would in a short time become the despotism of force, the despotism of the passions, the despotism of wickedness.

This principle being laid down, the liberty which may be loved, and which ought to be loved, would be incompatible with equality, if that equality opposed a formal resistance to the establishment and support of social order.

Where would be liberty and equality, if the law which regulates rights common to all was not equally respected? I repeat these words of the committee of the constitution; they are infinitely remarkable; but I repeat likewise, how would they have any regular authority preserve its independence, if, in the name of equality, the numerous inhabitants of a vast country have all the same pretensions, if no kind of gradation prepares their minds for ideas of respect, if none are to be seen any where but masters, or men ready to become so? How would they have a protecting authority preserve its independence,

dence, if all the depositaries of that authority are themselves in perpetual fear; if they are obliged to compromise with the clamours of ignorance, and with the threatening wills of a crowd of equals of whom they are only the commissioners? Principles have been established, which destroy every kind of ascendancy, and which convert the distinctions of state, of fortune, and of education, into objects of hatred or of suspicion. With these circumstances it is impossible that the empire should not depend upon force and upon the power of numbers; and when the chiefs of a government no longer believe in the existence of any moral authority, instead of being the defenders of reason, of justice, and of liberty, they place themselves under the safe-guard of all the overruling passions; and amidst the greatest excesses, they boast of the mildness of the people, their compassion, their judgment, their aptitude to understand every thing; and whilst they tremble sing hymns to equality.

What then is the truth, if we may dare to speak it? It is, that the people, when circumscribed in their desires and interests in proportion to the narrow circle of their ideas, will have, as formerly, the morality and spirit of their situation; but when they
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come out of their sphere to associate themselves in a mass with political controversies and opinions, they do not deserve, they cannot deserve the encomiums which flattery lavishes upon them; they are then, they are most frequently, neither just, nor grateful, nor mild, nor generous, nor wise, nor clear-sighted, nor indeed such as their parasites paint them. This is not the fault of their nature; but being deprived of the assistance of education, all their perceptions, all their intellectual faculties will be affected by this loss. They have never had time to enlighten themselves; they have never had leisure to study, or even to consider the social organization; they are sometimes good judges at a great distance, because the different ideas of government convert themselves, after a long process, into a small number of results simple to the general capacity; but these ideas are in their principles too mixed, too compound, to be submitted to the tribunal of the many, or to their imperious influence, and it is for the real interest of the people that their daily intervention ought to be prevented.

And can any one still be ignorant that their coarse habits remove them from all sentiments of moderation? Can any one be ignorant, or dissemble to himself, that their attentions
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being fixed upon the present moment, and beholding all the phantoms of happiness, which follow upon fortune, passing before them, they must think that the social state is a system of injustice? They cannot understand that the differences of property are the inevitable result, both of the laws of nature and of the laws of union, which have permitted men to mingle with each other, and to live together without strife; still less can they perceive that the scale of happiness is absolutely distinct from the gradations of rank and riches; and they must take their numerous feelings of envy for so many denouncers of a perfect happiness, in which they have no share.

Alas, how can they in their ignorance defend themselves from these illusions? Great political truths, great moral truths, are composed of so many elements, that they are lost to the people at the moment when they are stripped of the character which long habit had impressed upon them; at the moment when that great imprudence is committed. It is then necessary to wait till time shall have re-established their credit. We know not the evil we may do when we bring compound truths into discussion; when we admit, when we invite to this controversy, the whole mass
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of a nation. Reasoning with the multitude is an instrument of intrigue, when that reasoning must apply to principles abstract in their nature, and such, without contradiction, such, beyond any other, is the principle of political equality.

But if men in a mass, if men more than ever depending upon a single idea, may be easily deceived, we know not how to use this juggling with the nature of things; and as there is likewise a nature appertaining to social relations, it is against it that all systems, all artifices, all feints, continually strike. We may force this nature, we may struggle with it during some time, but it will not delay to recover its force and its empire.

Vainly then will they attempt to destroy, in a great state, the dreadful consequences of absolute equality, and alter its tendency towards establishing a tyrannical democracy.

It is by a fiction, it is by an abuse of the idea attached to a collective name, that the parasites of the multitude hope to deceive us. They may graciously tell us that the people, being the general will personified, never can become a tyrant; but the people is only by abstraction a collective being; its unity disappears when it would act; we then behold only its passions, and all the irregular movements

ments which are the necessary effect; therefore the absolute equality which, we may say, creates in an instant the omnipotence of numbers, the absolute equality which annihilates moral authority, that authority, the most ingenious and the most useful of social ideas; absolute equality forcibly induces a blind and unbridled despotism, whose universal action displays itself in every way and under every form; a despotism which, far from being a single and simple despotism, alternately exercises itself by the people in tumult, and by men expert in the art of governing the multitude, in the art of giving and chusing for it its passions. But what a master, what a master to serve or to guide! a hydra with twenty million heads! And can liberty exist at the feet of such a master? Surrounded by so many threatening wills, and in the degradation of fearful sentiments can she preserve her noble character? Certainly, to secure this liberty amidst a situation so critical and so dangerous, another security is necessary, another safeguard besides hypocritical maxims and philosophical promises.

The reign of violence and the reign of equality have a strict connection with each other. The ideas of absolute equality, by infinitely multiplying pretensions, oblige public
functions

functions to be multiplied, and the parts in the exercise of authority; hence the great number and continual renewal of men in power; and by a natural consequence, their want of consideration, and their little personal ascendancy. They have not the less the desire of commanding, and the love of being obeyed; but that they may hazard nothing, that they may run no risk of being mistaken, they study the passions of the multitude, and preceding its movement, boldly prescribe, and haughtily demand what they would in vain wish to prevent; and they give in this manner an appearance of will to their submission, and a show of courage to their prudence. There exists then two tyrannies; which, far from balancing or combating each other, act in the same manner, and each strive to excel; frequently of the two oppressors the imitator is the most terrible; for he makes up in composed exaggeration what may be wanting in natural severity.

All the means of force become necessary to the government in a great state, when no gradation of ranks disposes the public mind to respect and subordination, and these means of force approach closely to despotism. Honesty then, and information, and good sense, will no longer be sufficient for great places; characters

characters bold and overruling will be in every thing necessary; characters by their nature averse to all the caution that liberty demands. Authority likewise, always uncertain of its consideration, seeing itself surrounded by twenty-five millions of men, equal by opinion, belief, and law, will not delay to discover that it is of essential importance to it to make itself feared; and the particular interest of the chiefs of the state will unceasingly find itself in contradiction with liberal ideas, with republican principles.

How too can the measures of administration be secured amidst the tumult of equality, without having recourse to arbitrary measures, to measures out of the constitutional limits? and the first severities will lead on others; for the nation, once undeceived, will no longer give themselves up to obedience; and they will soon cease to aid their new masters by their delusions, their hopes, and their blind fanaticism.

They have very much deceived us by presenting liberty and equality to us as two inseparable principles; they are only united, they are only allied by the title of abstractions, and by their metaphysical parentage; but, in reality, liberty and equality introduced together upon

upon a vast theatre will be constantly in opposition.

The one dreads above every thing usurping powers; the other is the origin of an innumerable number of wills, which we may in vain attempt to rule. The one demands, that no active force should exceed the limits of its rights; the other produces a movement incompatible with any kind of restraint. The one loves order, and cannot dispense with the protection of the laws; the other sees aggression, and fortifies itself in tumult. The one is the result of a perfect harmony; the other is the commencement of a chaos. In fine, liberty and equality meet each other, and assimilate only by their excesses, and at the moment when liberty, metamorphosed into anarchy, preserves by an abuse its first name.

Yet even in this state of confusion absolute equality is more dangerous, more fatal to the social order, than unlimited liberty. Under the reign of this last principle, it appears that the proportions between the different civil and political powers are only deranged, and it may be seen that, at the voice of enlightened men, and at the command of the public opinion, an harmonious movement may be re-established; but under the reign of absolute equality the public opinion is without authority,

and this great reformer of abuses exists no longer. Perfect equality once received, once established, no light can come from on high; every thing is on a level, every thing is in a democracy, and the passions alone can direct and move the general mind.

If in the disorder of a new chaos we could behold the celestial orbs entire, we might hope that in time the laws of attraction would replace them in harmony; but if all these bodies were reduced to dust, and so scattered over space, we should not understand by what known force a single word could be re-established, and we should believe in the necessity of a new creation.

Thus equality, so pompously described, so lightly celebrated, after having transformed society into an assemblage of homogeneous parts, vainly calls the old laws to its aid, to guarantee from confusion a federal system of which all the parts are unnatural.

Another philosophical reflection may apply to this subject. The more a principle unites itself with our inward feelings, the more it associates with our first ideas, the more it is in some manner found in the origin of our being, and the more its influence is then extended, the more numerous are its ramifications. Such is the principle of equality, and such,

such, before it, was the principle of self-love, that motive so long observed and so well defined by so many moralists. It is by transporting us out of ourselves that we think of political liberty; but there is no moment of our internal existence, there is none of our intuitive thoughts, that do not lead us to comparisons of ourselves with others; and when we have been made believe in absolute equality, that persuasion bewilders us in every way, and the legislator himself, led away by one first error, sacrifices to illusions the different realities of which the public order is composed.

A singular contrast! They would have a political hierarchy to manage obedience, and at the same time make a religion of the principle most contrary to every kind of gradation. What could they hope when they created an adversary against themselves so powerful as the belief of the people? This belief is, if you will, the effect of an enchantment; but witchery still exists, and I see every where the wand of the magicians of Egypt.

It is also by a consequence of the principle of equality, that the capital of a country will give laws to the empire. The supreme authority must appertain to numbers whenever equality destroys the ascendancy and consider-

ation of government; but the power of numbers, like all other powers, has its mysteries. The appearance of a majority may be given to the minority of an assembly; the appearance of a general plurality to that particular majority, and to that plurality the appearance of an universal will. Numbers thus falsified, they act upon all minds by fear; and by habitually organizing the means of fear, they arrive by degrees at the most terrible explosions, and make a volcano burst from a crater that was scarce perceived before. But to fulfil so complicated a task a great interest is necessary, and that interest cannot exist completely but in the central place, where the laws are prepared, where the action of government commences, where the treasures of the empire are received and distributed. Thus it is that the art of flattery and the art of intrigue obtain their last degree of perfection at the court of kings.

Undoubtedly, a plan of government wisely constituted may diminish the dreadful effects of a principle in opposition to public order and to liberty. But we find nothing in the new constitution (I was then speaking of the constitution of 1793) which is not calculated to favour the exaggeration of the system of equality, which is not calculated to second

both the usurpations, of the multitude and the dominion of men skilful in stirring up the lowest classes of the people.

What in fact can we think of * * * * *

[A train of remarks followed here upon the constitution of 1793. I suppress them, as being void of interest at a period when that constitution no longer exists.

I resume my discourse at the last sentence.]

Where would be liberty under such a government? Alas! where would it be? No where; in no place; its name alone would remain to assist the tyrants, and to clear their way.

No example of the present times is to be found in history; for Nero, and Tiberius, and Caligula, amidst their vengeance and their proscriptions, never thought of making the people cry, and of crying themselves, "Liberty and equality!"

It is said, to excuse the most unparalleled despotism, that France is in a *revolutionary* state; I use the expression which has just been added to the treasures of the language. But will it be more easy to maintain public order, when one governing passion will no longer unite wishes and opinions, when peace with strangers shall direct the movements of the public mind towards the interior, and when

the same circumstance will make all the delays cease that have been offered to hope?

They must not deceive themselves; they will always require arbitrary power; they will always require despotism with equality, with equality at least as they wish to understand it, as they wish to interpret it; with that equality which, beginning in the law, fortifying itself by opinion, animating itself by envy, and branching even into forms and manners, envelopes and pervades in every way political and social life.

Ah! undoubtedly there is an equality which we ought to love, which we ought to cherish, and for whose establishment and continuance we ought to call forth all our efforts; it is the equality of happiness; but this is not a dependence of political equality; it may be allied with distinctions of rank, as it has been, by supreme wisdom, united with the innumerable differences of human nature. This truth we shall very soon develope. Here we accuse political equality of being not merely an idea subversive of liberty, but of serving, by the fatal example of France, to destroy perhaps even the reputation of that precious good, that good which men have so long boasted of, which they have obtained, preserved, and recovered at the price of their blood, as the remembrance
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has been consecrated by the history of all countries and of all ages.

They have said so much in France in the name of science and in the name of philosophy, that liberty and equality are inseparable; they have so celebrated this axiom, and produced it in so many forms, and given it so strong a consistence by adopting it for the basis of the most important political acts, that when the public order is troubled by the excesses of which political equality is the only source, it is liberty that will be reviled and calumniated.

The friends of despotism see with pleasure the systematical confusion of ideas absolutely distinct. They are the first to admit this identity, that they may accuse the one of all the evils which the other has produced; and it is not among a people whom we see under the yoke of a single principle, who have been long governed by faith, who have received liberty and equality as mysteries, and who blindly believe that these two are one; it is not among this people that the power and the inclination will be found of saving the honour of liberty, by separating it, at least in reasoning, from the equality of which it is the victim.

Happily there still remains a great example in the bosom of Europe; happily there exists

a country where liberty, not having been confounded with equality, displays herself to us in her majesty. It is there that her adorers will find a temple worthy of her, even when her altars elsewhere, that have been raised with precipitation, will be overthrown and destroyed by anarchy; it is there that, without mediation and without hypocrisy, they may still carry their incense, when all the false priests of so beautiful a worship shall have been dispersed.

Of Principles annexed to the System of Equality. The Sovereignty of the People. The Rights of Man.

CONFORMABLY to the division which I have announced, it remains for me to consider equality in its relations to morality and to happiness; but I think it right previously to bestow some moments on the discussion of a few principles annexed to the system of equality, and which serve to accompany and support it: these likewise have their splendour whilst they remain in the void of abstraction;

abstraction; but they are no longer splendid, they consume when they approach realities.

It has been said to the people, to the whole people undoubtedly, that it was sovereign, sole sovereign, sole master, and that thus the most perfect equality between the men destined to fulfil so august a function, between the copartners of so important a thing as dominion, was a literal interpretation of the common right, a rigorous consequence of the fundamental principle of all free governments. Thus, the abstraction of equality is defended by a new abstraction, the sovereignty of the people, or, these two abstractions give each other mutual strength. It is difficult to assign rank in the empire of chimeras.

Nothing indeed is more ideal than the sovereignty of the people; for there can never exist a perfect accordance of wills among the numerous individuals of whom a great nation is composed; the diversity of their characters and of their interests oppose it; and if such an accordance was possible, the word sovereign, which implies a relation, would be without meaning, because the people would then be sovereign of itself.

It is not only the impossibility of an accordance of wills, which reduces the sovereignty of the people to a mere abstraction;
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it is likewise the impossibility that the greater number of men should have a will in public affairs.

This qualification cannot be given to the simply pronouncing a yes or a no. The choice between these two monosyllables does not constitute a will, if it is accompanied with indifference, if it is the effect of chance, or the result of a blind submission to principles that are not understood, to opinions suggested by intrigues, or imposed by threats—such wills resemble cyphers placed after figures.

The will, when its action applies in our mind to the exercise of sovereignty, can never be separated from a certain degree of information and of reflection; and this degree cannot appertain to all men, because the greater part have no time to give to instruction.

And what would it be if, in the same country where they had consecrated the sovereignty of the people, they should prohibit, in its name, the liberty of the press, the liberty of all communications of sentiments and thoughts? they would thus oblige the nation to understand only one opinion, to receive only one information.

The *revolutionary* state, which serves as a pretext for tyranny, cannot apply to prohibition

tion of information ; for a change of government interests the whole nation like every other political situation ; and if the people be the master, it ought in no circumstance to be surrounded with darkness or fixed in twilight ; it is then acting evidently against its sovereignty to ordain its own ignorance in its own name, or to suppose that it can have formed the wish itself, as a condition of its supreme authority.

A will without rule and without hold is not less irreconcilable with the sovereignty than a will without instruction ; but such is still the necessary character of the will of the people ; they take its force and impetuosity for a constant movement, and yet this movement is never determined but by the passions. The multitude resemble the waves of the sea that always roll together, but change their direction with the first wind.

It is in their wishes and not in their wills that nations are constant ; but their wills alone govern ; their wills alone relate to the exercise of sovereignty ; yet these two expressions, these two ideas, the wish and the will, become by their confusion a great source of error.

Let us explain this proposition. Men, for example, form wishes in common for happiness and for its duration ; and when they
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imagine,

imagine, when they are persuaded that that happiness depends upon certain general conditions, their wishes direct themselves towards them; their wishes attach themselves to these figurative signs, to these supposed pledges of the public felicity.

Thus wishes, simple wishes, which have not to encounter with obstacles, and which overleap space and interventions at their pleasure, may frequently unite; whilst wills, whose action is precise, gradual, and always combating the nature of things, are so difficult to reconcile.

Wishes may likewise be formed at a distance, and they are then even better placed; for they become more simple and more enlightened when a long interval separates them from the atmosphere, and from the vortex of the passions.

The will, on the contrary, whose action is necessarily continual, the will to be determined, requires that our mind should advance towards the object, that it should seek it, follow it, and consider it closely.

Amidst nations then, the general union of wills, their uniformity, their constancy, can never be the condition of the supreme power; and it is by a fiction that the sovereignty of the people is represented to us as the primitive
idea,

idea, as the original principle of all free governments.

This principle, established in all its plenitude, must lead by anarchy to despotism; and example here will be sufficient to instruct us. The people of France, being once declared sovereign by the constitution itself, every one is eager to congratulate it upon that dignity; every one, to make court to it, has celebrated its power; every one has published its high qualities; and so many compliments and so many panegyrics have been heard, that the smallest portions of that vast people soon believed themselves able to dictate laws imperiously.

And how should not this thought suggest itself to an ignorant multitude? Must it conceive with ease, that the sovereignty on which it is felicitated resides in the collective being, and not in any of its divisions? So abstract a distinction is not within the capacity of a whole people; and if they had wished to present to it the truth too distinctly, they might perhaps have asked where and how that collective being existed; and it would not have found it well to have crowned only a phantom.

The absolute principle of the sovereignty of the people may be placed among those speculative

lative ideas, which, in the organization of the French government, have combated the establishment of a salutary balance between the different political powers.

The first legislators of France, by admitting, as a primitive truth, the pure and simple sovereignty of the people, and being obliged afterwards to adhere closely to that idea, have exclusively delivered all powers to the delegates of the nation. They would have feared that they were wandering from their beacon, if, by any institution, they had diminished the influence of the people upon the government and upon the legislation. They multiplied then the municipal supremacies, and they subjected the tribunals to a continual renewal; they rendered all authorities moveable, and all powers temporary; they considered the prince as a being of supererogation, or as a simple functionary, and they prepared the arrival of despotism by the weakness of men and the confusion of things.

Thus, by having inconsiderately placed liberty between two encroaching principles, the sovereignty of the people and absolute equality, instead of giving support to that liberty which they appeared to cherish, they have deprived it of its strength, and drained its sources of life.

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It is a precious and delicate plant, which they have unskilfully planted under large and greedy branches, that have taken away its substance and exhausted its nutritive juices.

Let us now examine whether, in order to constitute the right of sovereignty, the *plurality* of opinions may be substituted for the universality of wills.

And first I shall remark, that, notwithstanding the kind of affinity which seems to exist between the unanimity of suffrages and their plurality, we cannot pass from the one of these two ideas to the other, without being transported into a completely different sphere.

The unanimity of wills and of enlightened wills, the constant unanimity, if it were possible, would represent, at least in appearance, the general interest. But in a political society, where all fortunes, where all situations are different, a mere superiority of suffrages cannot serve as a title for the indefinite exercise of the sovereignty, without the absolute overthrow of all principles of justice, principles anterior to the sovereignty itself, because it was for their preservation that that sovereignty was invented.

Men erected a supreme authority to secure the fruits of labour and growing properties against the covetousness of envy and the usurpations

usurpations of force. They even foresaw that one day an indolent, ignorant, or corrupt plurality, succeeding to an honest, intelligent, and industrious plurality, might perhaps attempt to destroy or to shake the laws of order, and the sovereignty was therefore invested with all the powers necessary to defend and protect the immutable rules of civil justice and political morality.

If, after the drawing of a lottery composed of different chances, we were to ask the adventurers whether or no they approved of the decisions of chance, we are very sure that they would condemn those decisions by a plurality of voices; we are very sure that, by a great majority of suffrages, they would demand the replacement of the tickets in the urn of fortune; and the same wishes would be formed after a second experience, after a third, after all that could succeed each other in the duration of ages.

These reflections, this example, apply perfectly to the different distributions of which political states present us the spectacle; they would be unceasingly interfered with, if the plurality could move them at their will, and the greater part of mankind would continually demand from fortune a new turn of the wheel. Thus the sovereign plurality, and the equality which founds its empire, will
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draw on the destruction of ideas of order and of justice; they will change, they will subvert every thing, and begin society wholly anew, to subvert it again, and again make it in confusion.

An equality of interest, an equality of situation, an equality of education, an equality, in fine, which never can exist, could alone authorize the attribution of the right of sovereignty to the plurality of suffrages; but no legislative disposition, no act of violence, no tyranny, can establish a durable levelling. It is nature, who, creating us unequal in mind, in strength, and in talents, has forbidden us to consecrate among ourselves the sovereignty of numbers; it is nature, who has forbidden us in her immutable wisdom, and we cannot disobey that eternal law, without exposing ourselves to an intestine war, and without renouncing for ever the general and common advantages that spring from the union of men in society.

It has been said, political societies have for their end the greatest possible good of all the citizens. But this good is a simple feeling; therefore every one is called upon, without exception, to give his voice upon the best means of constituting that good. Yes, this good is a simple feeling; but the means of attaining to it are very complicate. The ad-

ministration of particular good must necessarily be left to individuals, and it is sufficient to circumscribe their liberty within the circle of justice; but the administration of the public good, that right, that duty of the sovereignty, cannot be delegated to the plurality of opinions; for the direction of a good composed of sacrifices, and which ought to be the result of a continual comparison between the present and the future, between the certain and the probable, between the known and the unknown, is a function eminently difficult. Such a function, such a science, can only appertain to enlightened men, to men capable of comprehending a great number of relations. When therefore they pretend that the universality of suffrages is the representation of the sovereignty, and their plurality its expression, they advance two propositions, of which the one is chimerical and the other dangerous.

The sovereignty, not in its abstraction but in its reality, must be considered as a mixed idea, as a compound institution; and its primary elements are eternal reason and eternal justice.

We desire this, it will be said, provided that, at all times, the plurality of our suffrages may be the only interpreter of that
mute

mute reason, of that undetermined justice. No, others are necessary; and the only ones which can be admitted at the moment when the foundations of social order are laid, are the light of time and the experience of ages, an universal opinion formed by the succession of ideas, and long before these days of revolution, when the passions make so many desires spring up, so many ephemeral sentiments. Instead therefore of regulating and defining reason and justice by the plurality of voices, it is from them that we must learn the real value of that plurality, and the confidence due to the number of suffrages in the important preparation of a political constitution.

It is then by a right anterior to all, that justice and reason ought to have, in some manner, their representatives in the formation, in the establishment of the sovereignty; and it is here we discover all the wisdom of governments, where, whilst the people influence the legislation by their chosen deputies, a body independent of them, a body foreign to their passions, and sometimes an hereditary chief, sometimes an elective chief, participate in that legislation, either by their concurrence, or by their sanction, or by their initiative.

These different powers, when united, represent the sovereignty, possess its rights, and

exercise its functions; and it depends upon no popular opinion, no fickle plurality, to change the constitution of the state, and blindly transform liberty into confusion, and authority into tyranny.

The sovereignty in a free country, in a wisely organized political society, can never therefore exist in a simple manner.

It has been said to princes, that such was the nature of the supreme power, and despotism has appeared.

The same language was held to the French people, and a mixture of anarchy and of tyranny became the result of that doctrine.

The flatterers of the people and the flatterers of kings have taken the same course, and what is most remarkable is, that modern philosophy, in attempting to ascend to the summit of political ideas, to disperse from the highest height its metaphysical instructions, has involuntarily connected them with the first principles of despotism.

Perhaps, it will be said, what imports it that the people should be declared the sole sovereign, what imports it that this idea should be constantly supported, if they cannot promulgate decrees, if they cannot exercise any legislative authority apart from their deputies, and their formal intervention.

Undoubtedly,

Undoubtedly, with an immense collection of sovereigns a representative government is very necessary; for there exists no physical means, no tolerable means of summoning a nation of twenty-five millions to deliberate upon public affairs; but by raising up a representative power amidst a people whom they have amused with unceasingly talking of their sovereignty, and by destroying at the same time all the gradations that habituated that people to ideas of respect and of deference, they have deprived the delegates of that consideration which was essentially necessary to them, and, as it were, forced them to support themselves by tyrannical means.

It is difficult likewise for legislators, whose reign has been limited to two years, afterwards to one, to obtain at any time a personal confidence; yet this limit placed to the duration of their functions is, perhaps, commanded by the system of absolute equality. The pretensions to authority are so multiplied amidst twenty-five millions of men absolutely equal, that it is necessary to accelerate the termination of the magistracies, in order to calm the impatience of the numerous candidates who aspire to the government. They are all at the door to enter; they

they knock with redoubled strokes, and the first comers must be made pass away to give them place.

I will even add, that in a system of absolute equality, in a system where every kind of relief is effaced, it is perhaps of importance that the continual renewal of men in power should give them sometimes the merit of being unknown, and thus colour them with a ray of hope.

In fine, it cannot be doubted that the representative power, like all other powers, requires to be aided by opinion, and it requires also to be in equilibrium with all the aggressive forces that surround it, with all the resistances given it to vanquish.

This is a truth which they have not perceived, which they have not chosen to make use of, in giving a new social order to France.

The skilful politicians of the present times have considered the representative government in its absolute sense, as they had seen equality, liberty, the sovereignty of the people; and that government then appearing a simple idea, they neglected all the modifications which must secure its political utility.

General words have fulfilled their office on this occasion as in many others; they have

have bewildered opinion; and men have been persuaded that a government, called *representative*, could represent the general wish in a manner sufficiently positive and sufficiently certain to render a nation docile to all the determinations of the legislature; and they may perhaps have thought, that by this politic combination they were imitating the system of the individual will, that mysterious organization that confounds command and obedience in the same man.

It is, however, always by a conventional opinion that the government called *representative* is thought to represent the general will; and a simple election of deputies is not sufficient to found and to support that opinion.

It is necessary to unite there, either plain and reflected instructions, that distinctly express the wish of the generality, or a property sufficient to guarantee the union of the legislators' interest with the national prosperity, or a superiority of state and of education, which secures confidence by respect, or a moral responsibility, whose evidence may be rendered incontestible by the smallness of the state.

None of these essential considerations af-

fords the support of reason to the unlimited authority of the representative assembly of France ; and when reason, that primitive law, that law, written, as I believe, in heaven ; when reason serves no longer as a guardian to the supreme power, that power, then compelled to surround itself with terror, soon degenerates into despotism and tyranny.

They seemed to perceive what was wanting to the reality of the national representation, when, being occupied upon the organization of the new French government, they spoke of submitting the laws to the sanction of the people ; but such a disposition, which would have become a source of disorder and of confusion, has only been admitted in a fictitious manner into the constitutional act.

They have indeed authorized a kind of reclamation against the acts of the legislative body ; but, as I have shown *, this reclamation is subject to conditions that secure its nullity ; and if they had, by other forms, rendered it real, they would not have delayed to repent.

They have done well, therefore, not to

* The words, *as I have shown*, relate to the observations upon the constitution of 1793, which, as I before said, I have omitted.

attribute to the people a political faculty incompatible with the tranquillity of the state; but they have done wrong to have recourse to an illusion, to dissemble for a moment the dangers of a legislative power without a balance, and the weakness of a representation founded only upon a title of election, and which receives from no accessory idea the credit and the support necessary to its firmness.

They assure us that the idea of the representative government is one of the fine discoveries of our modern times; but after the abuse that has been made of it, it may perhaps be doubted whether it be so great a miracle. This idea, united to the principle of the sovereignty of the people, has produced effects which it was perhaps difficult to foresee. It has been said in France to a few elected persons, you will exercise all powers; but you will make laws, you will deliberate in the midst of your masters: the people then will always surround you; they will be present at your sittings; they will prepare your opinions; they will discuss them in an innumerable number of societies, of sections, or of clubs, authorized by the constitution itself; they will sometimes come tumultuously to intimate their will to you, or
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to warn you by clamours of their omnipotence; therefore, never left to yourselves, and continually intimidated, you will perceive at every moment the necessity of pleasing them, and of yielding to their passions.

What becomes then of the representative government? The merit of this political idea was, in theory, to prevent the confusion of the Roman *forum*, and to express with order and with tranquillity the wishes or the will of a great people. But it is evident that this people, this at least that serves us now as an example, having its sovereignty always present in mind, will not confine the exercise of it to chusing deputies, paying them, and afterwards finding all that they will ordain, good. We see then two authorities, the one representative and timid, the other original and bold; the one regular, but created, the other arbitrary, but self-existing; the one circumscribed by the law, the other vague, indefinite, and therefore the more to be feared.

The representative government, with these conditions, is frequently only a vain image, and we may almost regret that the people do not directly exercise their supreme power themselves, for they would not then be under the dreadful necessity of having recourse to threats and violence to make their
supremacy

supremacy acknowledged ; they would participate directly in the legislation, and all their decrees indistinctly serve to signalize their authority ; they would, like the Roman people, show themselves sometimes severe, sometimes generous, sometimes restless, but always the friends of order and of the laws, and if in the delirium of power they might give themselves up to unjust measures, they would likewise enjoy their force by manifesting great virtues ; they would forget the services of Coriolanus, but they would follow Scipio to the Capitol ; they would abandon the Gracchi, but they would remain faithful to the memory of Publicola ; they would discourage, they would banish Camillus, but they would soon load him with new honours.

Themistocles had conceived a design of the greatest importance, which could secure to his country the political superiority of which she was jealous, but its success depended upon profound secrecy. The Athenians, being consulted, promised implicitly to adopt the views of their illustrious con-citizen, if the virtuous Aristides gave it his approbation. Themistocles then explained it to him, and the whole people assembled to learn the opinion of Aristides, who ascended the tribune, and said,
“ Athenians,

“Athenians, the project of Themistocles
“would be infinitely useful to you, but that
“project cannot be reconciled with justice.”

At these words, which history has preserved, one sentiment possessed every mind, and with one voice the idea of Themistocles, that idea still unknown, was universally rejected. I look for a resemblance between this glorious movement of a whole people and the deliberations of the *representative* assembly of France; I look for a resemblance, and I find it not.

Ah! if the French people, without delegates, without temporary mediators, could have collected themselves to express one wish, the most dreadful of sacrifices would not have been consummated; they would have seen, that people would have seen, that they could equally signalize their power by a holy pity and by an abominable rigour, and, perhaps, the look of the just and the voice of the innocent might have fixed their choice. Dreading no censure, and having no need to create ferocious passions to support their supremacy, they might have followed their own feelings. No, you were not represented, you were not represented in that inhuman judgment; and some day, but too late, you will regard as the true interpreters of your sentiments, as the only friends of your glory, those who defended

fended the cause of the most unfortunate of men.

We cannot doubt that the collected people, the people, when destructive poisons or unparalleled circumstances have not entirely corrupted them, this people would successively obey reason and folly, the principles of morality and the empire of the passions, and would unite together in a mass the qualities and the defects of human nature. Such probably would the people of all countries be, if they directly exercised the legislative power; but when the law of the state deprives them of that power, and at the same time declares them sole sovereign, sole master; when it limits their pretensions, and exalts them in every manner; when it wishes them to obey their delegates, and habitually encourages them in the opinion of their strength, they will be always ready to display themselves; they will be always ready to leave the constrained situation in which the decrees of their agents have placed them, and not being able to influence the formation of the laws in a regular manner, they will act by violence and explosion; and they will not show themselves, they will not declare themselves, but on occasions when excess and passion will have their application. Sovereign (they may say) and having

having no constitutional means of actively manifesting either sentiments of justice or sentiments of compassion, they will make themselves menacing, they will make themselves terrible, to hold their rank and enjoy a part in the government of the state.

Experience, I doubt not, would justify this moral truth, if the barriers should at once be destroyed which separate the French legislators from their auditors, from their inspectors, from their judges. The need which the one have at present to give some *relief* to their passive authority, and the fear which the others have of not attaining that degree of vehemence proper to secure to them the favour of the tribunes, all these principles of terror and of ferocity would exist no longer, if, after the example of the ancient republics of Greece and of Italy, the citizens, without representatives, without intermediates, should give their suffrages in common.

I wish not to deduce from these reflections, that the political constitution either of Athens or of Rome could be applicable to France. A numerous population, all composed of free-men, cannot make laws upon the public place; but the inconveniences of a government purely representative ought to be perceived

ceived as well; and far from adopting that idea in its theoretical simplicity, far from attaching themselves without any inquietude to the principle of the sovereignty of the people, and to the still more dangerous principle of perfect equality, and to the principle of the indivisibility of the supreme authority amidst twenty-five millions of men, they ought to have foreseen, they ought to have thought, that the inconsiderate union of the most simple principles was not less hazardous in politics than in chemistry.

It is not thus that the English have conducted themselves; it is not thus that the Americans have conducted themselves.

The first have divided the national representation among different powers.

The others have divided the power among a great number of states.

Thus the two nations, admitting the representative government, have taken care either to provide it a consideration proportioned to its task, or to give it a task proportioned to its consideration.

They are, moreover, states of a moderate population that have adopted this prudent combination; and France, to give laws to twenty-five millions of men; France, whilst establishing a political constitution for so great a people,

a people, has placed all its confidence in a train of metaphysical ideas, which have digested in fiction the national representation; and it is necessary to recur to hypothetical reasonings to discover the relation of this representation with the general wish.

They suppose, in fact (recapitulating what I have said) they suppose, at first, that the universality of a nation is susceptible of a will in public affairs, though a will cannot exist without information and without instruction.

They suppose afterwards, that this universality, at once sovereign and chimerical, may be lawfully replaced by a plurality of opinions; but this plurality, admitted as a rule of decision amidst men for the most part unlike each other from the opposition of their interests and the differences of their situations, becomes a principle of injustice.

They suppose likewise, that this plurality, whose existence no certain sign can guarantee, is nevertheless represented by a majority of suffrages taken among a small number of elected persons, elected even in the second and third generation, and whom the nation has neither made the depositaries of their wishes nor of their demands.

In fine, if this number of elected persons, even when reduced to two hundred, has, as in

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France,

France, the right of making laws in the name of the nation, it may happen that the opinion of an hundred and one voters may represent the will of twenty-five millions of men (most probably of twenty-seven) and in the proportion of one thinking being for two hundred and sixty-seven thousand.

What a transition! What a step from the reality to the figure!

When the French monarchs called themselves kings *by the grace of God*, this title of authority was exclaimed against.

Certainly, to give laws in the name of a whole people is likewise a mystery.

But in modern times, it would have been in vain that a French monarch had wished to refer to the dogmatical origin of his power to justify acts of despotism. And now, when, by another mysticism, the deputies to the convention call themselves masters, and absolute masters, in their quality of representatives of the people, every one is silent, every one remains aghast. They find the title excellent, the proof incontestible; and they do not suppose that there can be the least difference between a whole nation and the elected of some who are elected by the primary assemblies; therefore, Messieurs, when these elected waste your fortune, it is you who spend it; and when they

throw you into prison, it is you who have placed yourselves in security: these elected are always you, and you in a perfect exactness; their interest, their will, are yours, and no abuse of authority on the part of these new Menæchmi can appear possible to you. What credulity! what faith! for men with powers of thinking and reflecting. And it is always the word *representative* that establishes so blind a confidence! This word gives the idea of another self; this is better than a friend, than a friend of a whole life; and yet this other self creates itself in a moment, most frequently upon the word and amidst the tumult of a popular assembly. Certainly the nation is not proud of its sovereignty; and on seeing the absolute manner in which it disposes of it, on seeing how it kneels before a few individuals raised at once to the supreme rank, whose names and surnames it hardly knows, we are tempted to believe that the day of its coronation was likewise the day of its abdication.

The rights of man is another of these generalities which has been made most use of to establish and propagate the new system of political equality; but when we place ourselves in thought before the laws, and before the origin of societies, we can only find the titles by stripping, I may say, the archives of nature.

The

The universe composes them; the universe is the majestic deposit of the thoughts of the creator, and we no where behold the example or the type of that equality which we would apply, under the name of the rights of man, to the social organization.

The spectacle of the world presents to our attention an harmonious assemblage of contrasts, and of differences; nothing is similar, and, the most astonishing of all wonders, the organization of the human race is subject to the common law.

Its varieties are infinite, its degrees of perfection innumerable. Men are unequal; they are essentially different, both in their external forms and in the faculties of their mind, and by all the elements of their moral power and of their physical force. Every individual, considered separately, differs even from himself in the course of time; he becomes, in some manner, another, at different epochs of his life. The child, the man, the old man, are as it were so many strangers united in one person by the mysterious bond of memory; their ideas, their tastes, their wants, every thing changes in them with age; they are never under the same sign during the course of their existence.

Equality, uniformity, appear applicable to

the constitution of man only in the beginning of life; but a parity occasioned by our absolute vacancy, and by our extreme weakness, instead of teaching us our rights, recalls us on the contrary to ideas of dependance, and establishes from our birth the necessity of a supremacy, because without it, without that benevolent disposition of nature, we should only have come out of the gates of nonentity to enter them again in a few moments.

Thus, by a remarkable singularity, it is the tutelary assistance of the protectors and benefactors by whom we are surrounded, on opening our eyes to the light, that gives us the means of one day taking up the defence of ingratitude and of equality.

Our rights then, considered in their first types, afford no assistance to the system of political equality. But nature has composed the happiness of men of similar elements, although she has made them different from each other, although she has formed and designed them freely, and though she has graduated them, as I may say, upon an immense scale of mind and of beauty, of talents and of strength; she has known how to make them equal by the pleasures of sense, and by the universal gift of imagination and of hope. But if in the partition of the most magnificent attri-

butes of the human race, with difference of lots there can exist a parity of happiness, why should we be uneasy at the distinctions formed by the shades and gradations of rank; at distinctions which are our own work, and which hold from us all their value? Scarcely do they touch the surface of our being, yet they are denounced with emphasis as an offence against the principle of the rights of man; a principle always respectable; but it would be more in safety under the guard of morality, than under the protection of a talkative philosophy, as indifferent towards the application of general ideas, as it is ardent to propagate them in theory.

Ah! what evil have these general ideas done to us by their exaggeration! they impose upon us like phantoms, by their vague, confused, indeterminate forms; and it is thus that the abstraction of liberty, the abstraction of equality, the abstraction of the sovereignty of the people, and the abstraction of the rights of man, have captivated the homage and the faith of a credulous people.

If they had rendered the same honours to other general principles; if humanity, justice, and universal morality had been placed in the first rank in the series of political ideas, they might have then been kept around these

eternal truths, and in giving themselves up, as they have done, to speculative opinions, they would have run less risque; but the importance of these truths was known, and their renown depended no longer upon any one: this was enough to make them neglected by those who wished that their genius might be the commencement of every thing; they were therefore contented with placing them as an ancient ornament in the preamble to the French constitution, and it is only to new ideas that they have given action and life.

We cannot say it too much; simple principles, in a world composed like ours, of moral and physical elements, ought to inspire some distrust in men capable of reflection; for nothing in external nature leads to this kind of idea. We are placed as spectators at the extremity of the most mysterious, the most complicated work, whose smallest parts exhaust, in some manner, our attention by their infinite diversity; and yet we would reduce this to speculative unities, which has not been presented to us under that view, which was not created in such a spirit, which is only simple to the impenetrable conception of the sovereign author of universal harmony.

The rays of light form pictures shaded in a thousand manners, according as their refran-
* gibility

gibility is determined by the different clouds through which they reach us. It is the same with these first principles, of which we compose in speculation the essence of the moral world; they must be considered, not such as they are in their abstraction, but such as they come to us, such as they are modified amidst social institutions, and by the conflict of our interests and of our passions.

Of Equality, in its Relations with Happiness and with Morality.

THE same men who are guided in their political opinions by general maxims, by abstractions, by ideas so vague, that they draw them far out of the social circle, these very men follow an absolutely different course when they judge of the relation of happiness with the system of equality; we see them then contract their views, and submit this great question to the little combinations of jealousy and the subtilties of selfishness. Their philosophy, which would embrace in its legislation both the present generation and

the future race, and Europe and the world, and heaven and earth; this philosophy, when it comes to trace the influence of equality upon our moral sensations, appears suddenly imprisoned in the bonds of habit and of the most common prejudices; with the ignorant multitude it admits the gradations of rank as the scale of happiness, whilst to the eyes of an attentive observer they form one of the movements, one of the interests of life, and retrace in the moral world those disparities, those lots of earth which enliven the country, and at once perpetuate the action and the enjoyments of our imagination.

You love, you honour metaphysics, and certainly you have made great sacrifices to them; follow then for a moment this reasoning.

Man, resembling inferior beings in the pleasures of sense, does not, like them, consume the long intervals which separate those moments of happiness in lethargic repose. Endued with foresight, he is never without relation to the future; he lives wholly in it whenever labour does not altogether fix his attention; and this very labour, composed of a continual succession of distractions, attaches him unconsciously to the moment about to come, and he is perhaps never in the present, but in appearance.

If,

If, therefore, it be true, that by the effect of his moral organization, man must be unceasingly occupied by objects which do not yet exist, his imagination, which presents them to him, his imagination, which combines them, must become the principal artizan of his pleasures and of his pains.

It is then of essential importance to his happiness, that this imagination, the guide of his actions, the arbiter of his life, should be skillfully regulated; and to attain to this, it is necessary to study it, it is necessary to understand it well, and the first characteristic which we discover, is an extreme flexibility.

We remark, in fact, that it not only moves in all the senses, but that it extends or contracts itself according to the directions of habit; it can so proportion itself to all the objects of hope or of fear, that the smallest as well as the greatest equally fill its capacity; and therefore it is that the boy, when he wins a prize at the university, and the most obscure man of genius, at the moment when he is applauded for his first poem, enjoy as much pleasure as a victorious hero on the day of a battle.

It is undoubtedly difficult to penetrate into the mysteries of our spiritual nature; nor can we place in the balance all the fine and delicate

cate sensations of which our happiness is composed; we can perceive them, however; a gentle movement is necessary to our imagination; it has more need of a succession of views than of a vast spectacle or of a large picture, and it is with shaded colours that our moral landscape must be painted.

Thus the gradations of rank and of fortune are, of all the results of social art, the most analogous to our nature. We are animated by the respect which we give and by the respect which we obtain; they have all a connection with our hopes, and the game of life is composed of changes.

Equality itself, when it possesses most charms for you, is perhaps indebted for its principal means of seduction to the disparities which preceded it, and to the ideas of novelty which accompany it.

In fine, if we examine attentively the different moral enjoyments, we shall see that they almost all relate to a system of gradation; the sentiment, the pleasures of admiration, immediately refer to it. Compassion, indulgence, gratitude, sources of such delight to generous minds, how could they render us happy if no superiority existed, if all in our connections were on a level? Love itself, the most independent of all our passions, seeks alternately

alternately empire and servitude; and its happiness frequently disappears when it has no more combats or triumphs, and when habit has produced equality. Even time, when we consider it in its connections with our happiness, time appears to us a kind of hierarchy, where the future predominates over the present, and where hopes always raise themselves above realities. Our relations with men, with other beings, with external objects, with our own thoughts, all offer us the image of gradation, for there is no parallel; and it is thus, perhaps, that the innumerable existences, of whom the universe is composed, form in their progression the incommensurable chain which unites the lowest of animated atoms to the creative genius of so many wonders.

Ah! compared to this great idea, how little does man appear, how remote in his philosophy, when he denounces with so much pomp, when he pursues with so much activity the most trifling conventional inequalities, and takes so great an interest in destroying the social gradations, that light impression, that fugitive shadow of the system of the world.

I quit these general reflections with regret, to come to those particulars that appertain to my subject; for we then see too distinctly the dangerous

dangerous follies of which one new opinion is the fatal origin.

We have shown it; man, to be happy, requires not that all barriers should be thrown down, that all paths should be opened to him in the name of equality; it is enough if he meets upon his way a subject of ambition, a motive for hope; it is enough that the future continues his action, and preserves him from the languor of a monotonous life without a prospect.

Gradations of rank, gradations of fortune, accomplish this, by exciting amongst us an universal interest; and we ought to observe, that this interest is of a nature to be kept within proper bounds; an essential consideration, for it is highly important to the tranquillity of a state, that imagination, that continual agitator, should be occupied in a gradual manner; it is of importance that it should daily have to struggle with obstacles, lest its impetuosity should become dangerous, and lest, arriving too soon at the last bounds of the space, where the way is open for it, it should become retrograde at hazard, and without guides as without attendants, instead of gently animating men and society, scatter every where disorder and confusion.

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It is thus that on the continents where mountains, hills, and immense forests, oppose a resistance to the violence of the winds, their salutary influence is habitually felt; they move the plants, they wave the branches of the trees, and give stronger life to all vegetables; but when they have past the spaces where nature, by different obstacles, tempers and arrests their efforts, and when they reign without constraint, either over the vast plains of the ocean, or in the deserts of Africa, nothing is then known but their fury, and it is sometimes by threatening waves ready to burst in deluges of water, sometimes by thick clouds which fall in torrents of sand, and sometimes by whirlwinds equally terrible, that they display their power.

Let us retrace the connection of these ideas with the question which I am treating. The differences of rank, the distinctions introduced by education, the fortune and the condition of persons, the sentiments of deference and respect, the natural effect of these habits, and the necessity, the desire of pleasing, which must be reproduced at every moment, all these relations preserve a continual action among men, and vary and multiply without danger their tasks and their views. The most numerous part of a nation, all whose passions
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are to be dreaded, mingle in this manner a gentle ambition, a slight expectation, a sociable vanity, with their daily labours; and the great talents aspiring to glory, there exists amidst society a movement proportioned to the variety of our nature, and to the innumerable diversities of our information and of our means.

This moral system, under the direction of a skilful legislator, may undoubtedly accord with the greatest civil and political liberty, and even with the highest dignity of man; for it is to beings distinguished by their abilities and by their education that the representation of the human race ought to be confided, if we wish that it should display itself with dignity, that it should support itself honourably, without any fiction, without any failure.

But when perfect equality is established; when it is consecrated by every institution and by every political ceremony; when it is become an object of belief and a principle of education, man finds himself thus carried to the utmost bounds of a career whose different stations ought slowly to have occupied the course of his life; every thing is levelled before him from his birth, every thing at least is open, every thing appears accessible to him; he is beyond rules before he has known them;
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beyond restraint before he has experienced it; and free and independent in the vigour of his age and in the full activity of his powers, he will seize upon political ideas with all the force of his imagination, he will fix his thoughts and his ambition upon them, and he will soon demand his part in all authorities, or he will enlist himself in the war which they will wish to make upon government and upon the laws; for contests and tumult are necessary to him who begins his life by equality, and who has never been restrained by ties of respect, nor by habits of deference, nor by any sentiment of propriety.

If then we consider, in a more extensive manner. The influence of the new principles of equality upon happiness, we must ask how the mass of that happiness can be increased by the effect of a system incompatible with public order, incompatible with liberty, incompatible with personal security. Either then we must refuse to believe in the advantages that arise from the social state, or admit those gradations which must serve to support it in all great political associations: we must return to the forests whence our ancestors came, we must again demand that wandering and savage life, or adopt the dispositions which allow us to live in a regular community.

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I know we shall hear it said by many followers of absolute equality, we perceive the value of order and of liberty, the value of justice and of personal security, the inestimable value of internal peace and social harmony; but none of these advantages can atone for the pain we feel at the sight of the most trifling superiority which is not our work; and which passes not by like lightning. This is, perhaps, they may add, this is, perhaps, a sentiment of elevation on our part, a sentiment of pride carried too far; but nature has made us thus.

Ah! no, Messieurs; this sentiment is not so fine as you believe it, and you have something else to reproach yourselves with, besides an excess of perfection. You are hurt by what is most trifling and most superficial in our nature; by the spirit of vanity; it is to this poor master that you yield; and the art of your decorations will not disguise your weakness.

Strange caprice of man! he proceeds on the way of life amidst all kinds of inequalities; disparities of beauty, of genius, and of talents; disparities of understanding, of memory and of foresight; disparities of fortune and of education; disparities of strength and of health; he submits, he resigns himself at least to these real differences, and he will not support the most

most ideal superiority, that of ranks and conditions; he will not; and to destroy it, he exposes public order, he endangers liberty, he shakes all the foundations of the social harmony, and, mocking at the lessons of experience, is prepared for a chimæra to trouble the repose of the world.

It has at all times been said, and yet it is not understood, that the degrees of happiness are not determined by the rank we occupy in the social order. We proceed towards one point, and when we are arrived there we seek for another. I would be content if I could arrive there, say almost all men, when they are disposing of the future in imagination; but that term is not a permanent place of rest, a place of satisfaction and of repose; we believe it such at a distance, but when we are arrived there, we see it is but an inn, and after a short halt, call for horses to proceed further.

It is probable too, that the place least pleasant in the career of happiness is that which we touch at in the last period of our hopes; for on that career, it is our imagination that has the care of embellishing it, of preparing our course, if I may say so; and its preparations and resources are more proportioned than we think to the short duration of our journey upon the earth.

They have borrowed, as much as they could, the name of the people to support the cause of equality; and it appears indeed, that there exists a connection between the least fortunate class of a nation and the ideas of a new partition. The indefinite word equality may apply to every thing, to ranks, to distinctions, to property, to riches, to the different objects which are motives to envy. How then could they fail by pronouncing it to attract the favour of the multitude?

The orators who have offered incense to the multitude have been careful to throw a veil over the weakness of their vanity. He is so independent, he assures them, he is so much so by his situation, or by his character, or by his philosophy, that if he has superiors, he perceives them not. It is then the people only that he considers, in demanding the equality of ranks, and wishing that all men, without distinction, should be placed upon the same line. But if these people were not deceived by the discourses of their new friends, they would see that their lot is not changed by political equality; they would see that they are always obliged to gain their livelihood by labour; they would see that they lose a part of their resources when men of property are afraid of
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of expending that property; and when the traders, those universal motives to industry, are denounced to the public hatred, they would find that they, as well as others, were disturbed by the sound of the drum, and by all the inquietudes that are the inevitable effect of the system of equality; they would see that their only acquisition is an exemption from reverence, which repels the sentiments of affection and patronage, and makes no amends; they would see likewise, that the habitual exercise of a familiarity, always in contrast with the differences of education, is forced, and can add nothing to happiness; they would see, in fine, that a vanity to which they were strangers had been supposed in them, and that thus all their deliverance was artifice.

The abolition of feudal rights has been held out as a benefit appertaining to the system of equality; but this idea is not correct. The suppression of part of those rights that degraded the dignity of men might have been called for in the name of liberty, and, more simply still, in the name of political morality; and these kind of rights, far from being a necessary dependance upon the gradation of ranks, are not even known in many monarchies.

There exists indeed, even in republics, tenths, and hundredths, and duties upon portions and sales; but they are considered as parts of the general mass of territorial revenues; and it was never believed that their preservation or suppression, their modification or repeal, ought to be determined by other principles than the rules of justice or the general views of administration.

Moreover, when these great motives of public conduct are despised, it is not in the name of absolute equality that they could bring forward questions indifferent to the most numerous part of the population of a country; questions foreign to all the citizens who have no property, or whose fortune lies not in land.

Rejoice! it might be said to them, we have just taken away from a certain number of families their patrimonial right, their hereditary part of the harvests of France; rejoice likewise the more, that this deprivation is accompanied by no indemnification. They would reply with reason; What matters a subversion to us, by which we gain nothing? we possess no domains, and we know very well, that if our children should acquire them, the exemption from these rents would be taken into account in the price.

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It is never the universality of the citizens that profit by the translation of properties decreed by the law of the most strong; and what they must desire, in the name of real equality, in the name of the equality of happiness, is that perfect tranquillity which justice inspires, is that repose of mind which springs from the certainty of preserving to themselves the fruit of their labours, or the inheritance of their fathers.

Society exists no longer in its integrity, it exists no longer in its original spirit, when authority, invented for the preservation of rights, becomes an arbitrary dispenser; and they display no wisdom in denouncing riches as a violation of the general harmony, whilst they are a simple consequence of the liberty of social action; and in that action, the man in possession of a fortune superior to the lot of the greatest number, is only one of the points of support for the distribution of salaries and subsistences.

His happiness amidst this rotation, his happiness is always circumscribed by the same laws: the number of his senses is not augmented; their action, their power can never exceed the limits fixed by nature; and every day the spectacle of the future, that interest

of the mind, presents itself to the view of the rich man in more faint and faded colours.

Ah! envy is but a poor philosopher, and it is dangerous to take so blind a sentiment for a guide in legislation.

All despots love to persuade themselves, that in taking from some to give to others they imitate chance in its sports and caprices; but with this explanation there is no act of violence which would not appear indifferent.

It never can be avoided but that men, by directing in various manners their talents and their industry, should pass each other successively on the road of fortune, and chance undoubtedly has often a part in the reverses which they experience, and in the success which they obtain, but these disparities, which are the result of a free action, cannot authorize the arbitrary intervention and the imperious mediation of the supreme power.

Would it excuse Phalaris or other tyrants, if it should be said of them, that being generous perhaps towards some, but cruel and ferocious towards others, and always at the direction of their caprices, they imitated nature in her blind dispensation of the pains and pleasures of life?

It does not belong to the wisdom of men to wander from the principles which serve

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as regulators to the social action, to combat rights, to weaken duties by analytical researches into the origin of our sentiments, or by hypothetical calculations upon happiness. Can we only well understand this happiness? and is the most certain manner of estimating and imparting it known to us? Ah! let us not with our unskilful hands touch those delicate bands, that mysterious contexture, of which an unknown power has composed our moral nature.

Happiness is the first secret of the God of the Universe, and when we would study it in its commencement, when we would follow it through its different ramifications, we soon discover the weakness of our means and the impotency of our attempts.

The difficulties augment, when we consider pleasures and pains in their relations with the whole society, in their relations with a numerous collection of sensitive beings.

Who, for example, can determine the comparative proportion between the anguish of a man deprived at once of the patrimony of his fathers, oppressed, without any means of resistance, under the imperious yoke of force, and vainly, in an advanced age, searching for new resources? who can determine the comparative proportion of such a feeling

with the sum of pleasure which all the co-partners in the spoils of a landholder divide among themselves in small lots?

Is it then in depth, is it then in superficial extent, if I may so express myself, that we must value and draw a parallel between happiness and misery? We find every where doubts and uncertainties when we would open a new road in the immensities subject to thought, and when we break the cables whose force retains us by the truths consecrated by experience.

The legislators particularly, and the chiefs of nations, multiply their anxieties when they abandon the clear and distinct principles of justice for theoretical speculations. Yes, justice, which simplifies so many calculations, justice is essentially necessary to social combinations, and this universal measure, which morality has given us, is the only real valuable, the only one which no invention of man can never replace.

They likewise make the system of equality favoured by the people, by presenting it to them as a means of destroying the advantages of education, as a means, common to all, of arriving at, of nominating to places, and of taking part in the government. Let it go by voices, they add, and we shall see whether

this political parity is not wished by the greater part of the inhabitants of the earth.

Such a proof would certainly be sufficient to resolve our doubts, if men had an equal faculty of understanding their real interest; but if ever nature, education, and the social relations, should concur in raising us all to the same degree of reason, we should hardly want a government.

It would be necessary then, before a primitive and constitutional question, a question which relates to the future as well as to the present, be submitted to the plurality of suffrages, it would be necessary to give to all men the same degree of intellect and of understanding, and to render them all equal for a moment, to consult them with advantage upon political equality.

They would then certainly vote against it; but to render the truth evident, I must have recourse to a supposition, and I request it may be allowed me.

I place men, in imagination, in an ætherial empire; they are all equal in mind, all equal in happiness; they are informed that the genius of nature destines them to inhabit a terrestrial world; but it is announced to them that, before they are transported there, they will be rendered unequal in their physical and intellectual

intellectual faculties, and that chance will decide the dispensation of lots.

Their informer gives them at the same time an anticipated knowledge of their approaching state; he tells them how fortune will there prepare education, and how education will become the condition and commencement of all the moral superiorities; he tells them, likewise, why that intellectual education cannot be an universal prerogative; in fine, he instructs them in every thing which is unveiled to us, and one single question is referred to their free decision; he asks them, whether they chuse, that, upon the terrestrial region where they are about to be cast, the government of their association should be assigned to persons yet unknown, possessing good portions of mind and education, or if they prefer that all of them, without distinction, should have a part in the administration; that all, with unequal powers of discernment, should make choice of guardians and leaders of the state; that all, in fact, with an immense disparity of interest in the public weal, should have the same pretensions to the supreme authority and to its different subdivisions.

Their answer cannot be doubted; these intelligent beings, called upon to decide such a question at a time when they were all equal

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in faculties, would demand with one voice that the government of the state should be confined to a particular order of persons, and to the class of men to whom superior degrees of fortune, of understanding, and of education, had fallen by lot; they would think it was alleviating the conditions of their coming change, if they could thus assure themselves, that the care of society should be placed in the hands of the best depositaries and of the most enlightened guides; they would clearly perceive that the lot of every one of them would be injured, if the management of their common interests should ever be entrusted to the least wise and the least instructed among them; and they would thank the genius of nature for having consulted them upon a disposition essential to the public happiness, and for having done so whilst they were still endowed with equal intelligence.

It is easy to apply this fiction to the subject of which we are treating.

Men in their actual state, men amidst the prodigious differences of mind and of education which separate them, can no longer be consulted, one by one, upon the connection of their happiness with the political institutions which diminish the influence of the multitude, and which secure to the superior classes
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of society the principal authority, that authority which they ought to exercise for the greatest possible advantage of all. But supposing, as we have shown, that these institutions had obtained the universal assent of men, before the epoch when the inequality of their discernments commenced, is not this a proof, an imposing proof, either of their real wishes or of their real interest?

At present no faith can be placed in the plurality of their suffrages; they are in the situation of a testator, who, after the decline of his faculties, would alter the just and reasonable disposal, whose perpetuity he would have consecrated in the time of his sound intellect. The law of the state, that expression of the supreme reason, would oppose itself to his design.

It will however be said, society being once established, is it not an advantage to it, that all the citizens should be called upon to devote to it their administrative and political faculties? Undoubtedly; but this summons to their abilities must be made without confusion; and if absolute equality draws some talents from obscurity, it more frequently drives from the career of public affairs enlightened, but peaceable men, who fear to throw themselves
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amidst those rivalries of which a democracy is the eternal source.

It is not for a few men, active and industrious in the exercise of their abilities, that society ought to be composed, but for their great divisions and their great masses, such as they always existed and always will exist; and, for the same reason that we confine ourselves in building to the customs of the country, a political order must be adopted in the world, which corresponds to the interests of people of mediocrity, and we must not forget that all these are, at a great height, compared to the multitude, necessarily deprived of the advantages of education. We ought at least to be upon our guard against the wishes of men, who, sure of their ability or confiding in their eloquence, ardently desire that there may be, in the career of public affairs, as much controversy as promotion, as much struggling as preference.

They imagine likewise, that it is in the natural order of things, that it is perfectly reasonable to command after having obeyed, and to obey after having commanded; but with this continual alternation men will obey as badly as they commanded, and command as badly as they obeyed. These two departments

ments in social life require qualities totally different, and these qualities essentially depend upon the preparatory habits formed by education; they can gain nothing more in happiness by these perpetual changes, demanded by envy in the name of equality; for imagination, who knows how to embellish every thing, never decorates a retrograde path; but envy, being always excited by present objects, must at every instant be mistaken in her wishes and in her calculations, and assuredly she deceives herself when, in her secret pains, she invokes equality as a deliverer.

Equality of ranks, the only one which depends upon human power, cannot produce equality of abilities and of knowledge; it cannot produce the equality of advantages which spring from education; it cannot even draw after it the equality of fortunes, for that kind of equality is a chimerical idea; no injustice, no oppression can establish it.

This truth being acknowledged, perhaps the most ingenious invention, and the most favourable one to happiness, would be a distribution that should remove from the attention of envy the superiorities and prerogatives whose abolition the sovereign authority might
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in vain decree; and such in great part is the singular effect of gradations of rank.

These gradations form amidst society a diversity of tribes, a succession of classes, which have no direct view one upon the other; and as without our privity there exists in each a parity of happiness, it was doing every thing for human weakness to keep them at a distance, and thus lessen the torments or inquietude of jealousy.

But when all ranks touch each other, when all conditions are intermingled, when, in fine, all individuals are in continual familiarity, the distinctions which could not fall under the scythe of political equality become an habitual subject of chagrin and irritation; and this moral truth explains why, in France, after the equality of ranks, we have seen, in a short time, a train, a variety we may say, of hostile sentiments and aggressive resolutions spring up. They have made war upon all superiorities, war upon fortunes, war upon talents, war upon good actions, war upon reputations, war upon the transitory authorities; they have chosen that there should be nothing eminent after political equality has once appeared the pledge of every other equality, and after vanity, losing its ancient limits, has so changed

changed itself in fury, that no restraint, that no obstacle can restrain it more.

I would offer to envy a new subject of reflection. The different superiorities of which the moral world presents to us the spectacle, these superiorities which, as I have shown, do not derange the equality of happiness, have yet their use towards the general felicity and towards its increase. Let us develope this truth. The genius of the world, the supreme intelligence, has willed that every one of us, in advancing himself in the different careers open to talents, to genius, to labour, to honours, to fortune, should be in this promotion only the intermediate and the agent of the universal interest of that common mass in which every one takes his part in the course of ages. The inventor of printing, of the mariners compass, and of the plough, was not perhaps more happy than the unknown artist whose chissel adorned, in a new manner, the baths of Craffus or of Lucullus. But this parity of condition, fixed by nature, has not prevented the earth from being enriched, from enjoying, till this day, the different discoveries for which she is indebted to men raised above others by their mind, their talents, and their genius.

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The superiorities which rank and fortune display to our eyes are not more the signs of a superiority of individual happiness; but we shall consider them as strictly connected with the public interest, if we recollect that the one are the inevitable result of liberty, of industry, and of the salutary establishment of property, and that the others are an ingenious institution essentially necessary to the stability of the social order.

What then are we doing, when we excite men against all superiorities? We take advantage of their sentiments of envy to deceive them; we make them disturbed with the fictions of their mind, and jealous of the phantoms of their imagination; and whilst they go to discover every eminence, to destroy it, they neglect to descend into the bottom of their own hearts, to prepare there and cultivate their morality, that best and most approved seed of happiness.

Ah! let us leave the system of our happiness upon earth under the care of its divine inventor. That which has always been, has surely a relation to the nature of things. Perfection is unknown to us; but when we see how our arrogant wisdom makes every thing in confusion, we ought to search with still more care the traces and the signs of that

universal order with which we are surrounded, of that order, always instructive, which visibly appears a chain of gradations, and a mixture of uniformities in principle, and of varieties in developement; and if we wish to compose a system of happiness in relation with our secret sentiments, we must apply ourselves to establish a correspondence between the habits of our mind and the spectacle of nature; for we always seek refuge in unknown heights when the passions of the world repulse us or oppress us.

Therefore feeling minds, if we may still think of them, feeling and pious minds can never amalgamate with the principle of absolute equality; it is too extensive, too indefinite for their weakness; they require steps, they require a term, a place of rest, a station; they want a prospect which their feelings may seize; they want one upon the earth, one without themselves, one sensibly connected with that internal and always ascending meditation, which makes them seek in heaven a consoler and a judge: this likewise is a kind of happiness which the new ideas oppose; but they are discordant with every natural feeling.

The influence of equality upon our ordinary life, upon our private conduct, upon the relations

relations of man to man, presents a question connected with my subject, and not unimportant. Morality reaches, by its ramifications, to the different sources of public happiness, and can by itself fulfil the task of genius, both in government and in policy; yet morality, so great in its end, is subject every moment to the contradictions of personal interest, and we cannot take from it any of its supports, without endangering its authority; it had scarcely sufficient force to direct us amidst the ancient social ideas, and the difficulties increase with the principle of equality, with all the confusion which it leads on.

The great mass of men require to be circumscribed in their wishes and in their ambition. Unlimited pretensions cannot accord with the measure of their intelligence, and with the immutable laws of nature; yet the immediate effect of absolute equality is to destroy the innumerable multitude of compartments introduced into society by the distinction of conditions, of ranks, and of fortunes, and man finds himself then in a space open in every part, and whose different paths he cannot keep.

How too can we speak to him of his duties, when he is every moment occupied with his rights? how speak to him of reserve and restraint,

straint, when no barrier, no boundary, is presented to his view? how speak to him of obscure sacrifices, when the whole society is but a theatre? how speak to him of indulgence and of generosity, when to support his credit, and to secure his political advancement, he must give himself up to all the irritations of the multitude?

The charges given by morality cannot be heard amidst the clamour, amidst the tumultuous effervescence of twenty-five millions of comrades, whom no political idea divides in different situations, whom no distinction of ranks separates.

The charges given by morality cannot be heard, when, to all the individual passions of which it should be the regulator, a political passion, the most ardent of all, is added, and when a whole people are associated to it by the inconsiderate suggestions of ideas of equality.

In fine, the charges given by morality cannot be respected amidst a nation, who require the introduction of a new gospel to support, by faith, the most unparalleled of all systems.

We should observe at present, that the public opinion no longer serves as a guide to morality, or affords it assistance; its sails are too delicate

delicate to make way through the tumultuous waves of equality; it is therefore by a respect of recollection towards that opinion, that the legislators of France decree, at every moment, *honourable mention*, as the reward of a sacrifice or of a remarkable action. This *honourable mention* is become a money without currency; the die which stamps it appears of colossal structure, and yet it comes out without an impression.

Can we explain a truth in sentiment whose cause is confused or difficult to fix? Can we tell why, since the establishment of the system, of equality, since its general adoption, no authority in the state has any longer the power of honouring or of dishonouring any one?

It is, perhaps, because universal pretensions, the necessary consequence of such a system, leave no time for admiration, and give no longer to any one the taste for it; it is, perhaps, because, every one displaying himself in the arena, all the places in the amphitheatre are void, or if the people occupy them for a moment, it is with an ardent spirit of party, with a spirit animated by a single interest, and not, as formerly, with a sentiment cultivated by the study of different models,

Before this perfect equality there were few actors in proportion to the number of judges;

there are since few judges in proportion to the number of actors; and this change is enough to take from opinion its empire.

All are rivals, all are in movement amidst political passions, and these passions, under the reign of equality, will never cease; but as they are supported by hatred and love, esteem is then either extinguished or forgotten, and opinion has no longer a support, no longer a center of rallying. They create in an instant popular heroes; they place a crown upon them as they pass; but if, looking back, they behold the crowns still upon their heads, they return to snatch them off, and there remains not even a false type of any kind of greatness. What then can public opinion lay hold of? Where can it find a guide? where find light? Like the Sibyl, it must write its oracles upon flying leaves and let their sense depend upon the gust of wind that arranges them.

This subject may certainly be analyzed in a different manner; but it is always true, that public opinion must be counted in the number of authorities destroyed by the system of equality.

Still there existed two superiorities which the assent of mankind had consecrated; they were as ancient as the world, and universal interest had environed them with a holy reverence;

rence; they were religion and paternal authority; they have shown themselves jealous of their ascendancy, and the fatal law of leveling has not spared them.

The legislator of the Athenians, in his republican constitution, in his so celebrated constitution, had an idea of a political superiority, which would now probably, by the new science, be denounced, with all the rest, as a horrible aristocracy.

He wished to give to morals and to virtue a pre-eminence in the councils of administration and in the popular assemblies. No citizen could discuss the public affairs there without having been judged worthy of that honour and of that authority by a previous examination of his private conduct, and every one had the right of prosecuting an orator or a magistrate, who had artfully concealed his character from the attentive observations and severe examinations of the censors. Is it to a littleness of mind, is it to a contempt for the rights of man, that this institution must be attributed? Solon, the good Solon, was not far advanced in the mysterious knowledge and in the profound study of pre-existing equality,

No legislator had perceived that justice was a kind of superiority which ought to be avoided as a rebel to the principle of equality; and,

in fact, justice is the protector of properties, and properties in their essence and origin all differ from each other ; therefore we see that justice in France is treated as an enemy to the rights of man, as an enemy to the sovereignty of the people, as an enemy to all the abstractions that have been substituted for morality and sound reason.

I enquire, which of our old virtues finds itself in sympathy with absolute equality, and I can discover none.

Can it be regard to others? We were removed from self by the system of respect and deference which the gradation of ranks had introduced. Equality, by destroying those relations, has restored us wholly to our own self-love, to being occupied with ourselves.

Can it be gratitude then? This they consider as a vassalage, and from all parts aspire to be enfranchised from it.

Can it be generosity? But to what situation can that apply, when every where they speak to you of rights?

Can it be charity? But can there remain any thing worth giving, when, in the name of equality, all ideas of usurpation have been rendered familiar?

Can it be friendship? can it be fraternity? But equality does not draw us nearer together,

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and it is not the parity of pretensions, it is their variety, which forms a durable tie between men.

Can it be nobleness and elevation of sentiment? These will be denounced as a mark of lordliness, or as an impure relic of aristocracy.

Will it rather be modesty? They will take it at its word; for they will neither have time nor inclination to contradict it amid the whirlwind excited by political equality.

Will it then be truth? will it be frankness? But equality has placed its omnipotence in the hands of a master who cannot be governed without fictions, who cannot be captivated without a language artfully adapted to the weakness of his understanding and the strength of his passions.

Ah! how many losses to enumerate! how many moral qualities sacrificed to one political idea! But it is you whom I regret above all; it is you whom I for ever lament, gentle pity, holy commiseration! you were the sentiments, you were the virtues of which our feeble nature had the greatest need; you could be called upon to supply hope to wretchedness and repentance amidst the rigour of justice; you represented upon earth the divine mercy; you represented that goodness, the source of
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our existence, and our last hope. Alas! you have disappeared, you have departed, and our hearts, like the plants that the dew of heaven no longer moistens with its tears, our hearts are consumed by the most arid sterility.

This dreadful change we owe likewise to the exaggerated system of equality. A government, when it can no longer impose by any ascendancy, when the moral authority is lost, finds itself under the fatal necessity of having recourse unceasingly to the terror of punishments to support, at least to prop, the edifice of the laws; then it talks of nothing but of prisons, of axes, of scaffolds; heads fall—roll upon the public place—and it is by presenting a bowl of blood to the people, that it enrolls them under the banners of the most tyrannical liberty. And certainly it is but too much disposed to that ferocious spirit, when, under the reign of equality, and proud of the power which equality has confided to it, it thinks of being avenged upon destiny, and confounds with justice the resentments of envy.

Equality! ah! how do we every where discover the seal of its rudeness! And has it been thought it is through equality that the two great divisions of the human species will re-assume their ancient proportion, that savage
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proportion which the difference of strength had determined? The level was established by the effect of a beautiful morality, by the respect of the men for the women; and equality, and the manners which it induces, tend to destroy that respect. Thus, to a systematical equality will be owing the loss of a real equality, of an equality become the happy result of all our social ideas.

Absolute equality must likewise be the source of great misery, and the occasion of a crime towards the human race, if, as may be feared, it should incline the spirit of governments to war: and yet, how can it be avoided, but that they should seek to direct from them the ardour and the vehemence of minds and characters; that exaltation which will spring from the perpetual conflict of the same pretensions? How can it be avoided, but that they must often sacrifice external tranquillity to the necessity of lessening the number of men in the bosom of the state, rendered passionate, tumultuous, irascible, by a social system, where the universality of the inhabitants of an immense country are all combatants or auxiliaries in the pursuit of command. The conflicts of party, factions, rivalries, by attracting the crowd around power, around political interests, will inspire the wish of a foreign

foreign war, as the increase of the population of a country made known the want of distant colonies.

We cannot calculate in anticipation the singular effects of a contention always the same, to which a great people, and all the individuals who compose it, are continually called. The picture of society must be absolutely changed, if more interest cannot be given to the different objects of emulation and of vanity, which served formerly to take off the natural ardour of their minds.

I see likewise arising from absolute equality, and from that contempt of propriety which is its natural effects; I see an uncivil language arising, a haughty language towards foreign governments and their ambassadors; and the impression which will result, frequently dissembled from policy, but deeply felt, will continually cherish a leaven of irritation, and no peace, I fear, will be consolidated by affection, or by a reciprocal satisfaction. There is a conscience of itself in consideration, as in every other moral possession; and the doubts from which the chiefs of the popular aristocracy in France will not be able to exempt themselves, will prevent them from embracing that spirit in measures which exclusively belongs to perfect confidence;

dence; they will be always fearful of not being sufficiently dignified, sufficiently elevated, even sufficiently proud, and without wishing it, without thinking, an offensive language or insulting forms will mix in their correspondence with foreign governments.

Let us look again to the interior. The principle of equality, converted into a passion, and into political fanaticism, induces, as we see, a hatred of every kind of distinction; and this hatred, when it is inspired into the multitude, must lead rich men to conceal their fortune. The fear of proscriptions, of violence, or of exaggerated imposts, will oblige them to conduct themselves almost in the same manner as the French peasants formerly acted to avoid the yoke of an arbitrary tax. But men of property cannot cease to convert their superfluities into the different productions of industry, without depriving a numerous class of citizens of occupations necessary for their subsistence. The state then must support these men thrown out of employment; and from the necessity of such an expence to the desire of rendering it active by military enterprises, there is often but a short interval.

In such a situation, men will acquire every day a greater degree of ferocity. No study, no application of mind, will soften their manners,

ners, and the few sentiments which ignorance and indolence will suffer to subsist, forced to seek an interest by their exaggeration, will at every moment endanger the public tranquillity.

Before the period when the variety of the arts, their perfection, and their continual renewal, offered to the rich landholders a means of agreeably exchanging their superfluity, they employed a great part of their revenues in forming their household, and making a retinue of a multitude of clients and servants. We ought to see with pleasure the progressive diminution of so barren a luxury; we ought to see with pleasure a prodigious number of idle men and lazy valets replaced by industrious men and independent citizens; we ought to see with pleasure, that a wiser application of expences animates, second the genius of industry, and gives a new flight to the human mind; we ought to see with pleasure, that the arts being perfected and multiplied around, the natural riches become afterwards an object of foreign commerce, and thus contribute to the increase of the public fortune.

A revolution directly contrary will be the effect of equality. The danger of ostensible expences will destroy the reign of the arts
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and of industry, and the only difference between ancient times and these modern times will be, that the state, after having plundered the rich, must itself support the indolent.

But the preservation of order and of social harmony will then become still more difficult; for men become restless in indolence, and when education has prepared their minds for no study, for no subject of meditation, labour, and necessary labour, alone can preserve them from the wildest wanderings.

We shall see henceforth only soldiers, and husbandmen, and artisans; such is the language of the moment. But when a state is become great, when it contains twenty-five millions united under the same authority, it cannot return to its commencement, at least unless it be carried back by a deluge, or some other disaster equally terrible. They seek indeed this devastating scourge; they seek it; they have nearly found it; but such an ambition will be frustrated; it will be abortive, notwithstanding such care and such perseverance, in a country which nature has called to another destiny; in a country which she has blessed with her peculiar love; where she has heaped her rich favours.

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Let them command the earth no longer to render an ear of corn for a grain; let them prevent the rivers from moistening the meadows with their salutary waters; let them intercept those rays, whose pleasant warmth temperately animates the fruitful soil of France; let them break that plough, by whose ingenious art a single guide can raise the glebe where he is about to shed the seeds of the most abundant harvests; let them, in fine, renounce all the inventions destined to multiply the force of man; let them check, by their prayers, the generous prodigality of nature, and by thus diminishing the population, they may oblige all who remain to devote themselves to agricultural labours: but if the great laws that govern us undergo no change; if there will still be a rich overplus remaining, after paying the wages of all the cultivators; and if this is not transferred by the men of property to the class of labourers; if the violation of their rights deprives them of that liberty, this overplus will be distributed, by the usurped interposition of governments, to its slaves or to its dependents, to men hired to applaud or assist its policy.

They must necessarily chuse between these two means; and can they be compared together?

ther? The one is pointed out by justice, the other appertains to tyranny; the one supports labour, and the virtues that accompany it, the other nourishes indolence, and all its attendant vices; the one is, as it were, the first link of the social order, the other a continual breach of those ingenious bonds that, without effort, and without convulsion, unite all the interests of men.

It is because the most ancient truths have been despised, it is because the principles consecrated by reason and experience have been thrown into revolution, that the frequent intervention of the supreme power is become necessary. The old government of France was reproached for appearing too frequently in the social relations; and now, when the natural course of affairs has been obstructed by violence, authority must direct every thing, must think of every thing, must decree every thing, must repair every thing. Where is the knowledge equal to such a task?

The first law of constraint, that applies to the vital movement of society, induces the necessity of an infinite number of others; and the known relations once deranged, order is no longer the result of a general combination. The legislator then, descending from the eminence where his place is marked, attempts

to remove all the difficulties one by one; and addressing himself successively to the men of property, to the husbandmen, to the manufacturers, to the merchants, to the workmen, to the sellers, to the buyers, he undertakes to regulate their conduct, and lead them step by step; but in proportion as commands are multiplied, the free movements stop, and the social organization becomes a machine whose springs must unceasingly be touched. And when men reflect that these various commands, substituted for liberty, are all accompanied with menaces and vengeance; when they reflect that death or chains are the punishments threatened for the most trifling thoughts, they are fearful of their least actions; they see every where around them pikes and axes, and believe themselves rolling in the tub of Regulus.

Happily it is beyond the power of men durably to alter the elements of the social order; they may conceive the project in their delusion, but nature is there to stop their conspiracy, and place a bound to their audacious hopes: she will have more force to bring men back to right reason, than they can employ to abandon it.

Alas! this prospect will not console us for the misfortunes and the crimes of which we
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are the witnesses. The present alone is with us, and its aspect is horrible. I check myself——for, if I should particularize upon this subject, if I should look around its vast horizon, my heart would be filled with horror, and the pen would fall from my hands.

We perceive at every instant, that the admirable moral organization, destined to keep in harmony the interests and the passions of men, depends not upon one single principle, but upon a catenation of ideas; equality therefore, which permits neither justice, nor wisdom, nor opinion, to reign with it, must always be, from its nature, necessarily an overruling principle, a principle destructive of all others.

I reproach also the system of equality with insensibly leading to a contempt or neglect of our finest relations to a Supreme Being; it is no longer mind, it is no longer genius, it is no longer delicacy of sentiment, it is no longer purity of imagination, it is no longer reason in its honourable association with morals, it is, in fine, no longer man perfected by education, whom they reverence under this system; it is the lowest class of the people; honours are decreed to them, homages paid to them, whose unfitness they themselves perceive, and which they consider, in their plain good sense, as a disgraceful proof of the most

fearful flattery. And, who could ever have credited it ! they too kneel before the multitude, employing the most ignoble signs to distinguish them, and thus voluntarily degrade the dignity of the human race. O God ! pardon this offence ! Undoubtedly all men are equal before thee, when they communicate with thy goodness, when they address to thee their sorrows, and when their welfare occupies thy consideration ; but if thou hast permitted that there should be an image of thyself upon the earth, if thou hast at least permitted finite beings to raise themselves even to the conception of thine eternal existence, it is to man in his perfection that thou hast granted this precious prerogative ; it is to man, attained by degrees to develope the beautiful system of his moral faculties ; it is to man, when he displays himself in all the glory of his mind. When, therefore, man degrades himself with indifference to the level of beings called like him, but left to their first instinct by the want of education, and when he in this manner confounds all the ranks fixed by nature, it is to the author of that magnificent system that he is wanting in respect ; it is him whom he injures.

Ah ! what ! it is the first of the nations of the earth, the first formerly, at least the most
§ celebrated,

celebrated, the most renowned; it is a nation that has stamped with its name the most rich discoveries of genius, the finest monuments of the arts, the noblest productions of eloquence; it is a nation, that by the perfection of its taste served as a model for Europe; it is this nation that, by a blind love for equality, has suddenly taken for its device, and for a sign of glory——shall I dare to say what? may a decent pen repeat the shameful names? Yes, when they are for a moment supported by their contrast with the nation that consents to adopt them, and which will, to its shame, give them a rank in history. Yes—it is this nation, this illustrious nation, that, by a blind love for equality, after having filled the universe with its greatness, has at once taken for its device, and for a sign of glory, for show and for magnificence, *sans-culotterie and sans-culot-tisme*. What a fall! just heaven! what a degradation! and it is willingly, it is by system that they have sunk a nation to this point! and it is to honour equality that they abandon themselves to these fantastical ideas!

Amenity, purity, winningness of manners, where are you gone? You were the attendants and the persuasive interpreters of the sweetest affections of the soul; you even supported those sweet affections, by offering to all eyes

the forms of urbanity and mildness. You have disappeared, and man seems to be brought back to his first elements, to those strong passions which belong to the savage as well as to the civilized being.

And how were they deceived! how little did they understand the social state, who wished to throw contempt upon the whole system of respect! That ingenious system was only invented to draw a line of defence around self-love; it was another Vauban who conceived it, to protect and to cover the advanced posts of our moral nature, our pretensions, and our vanities.

But a devastating power has spared nothing; and it is even from the bosom of our civilization that this power has arisen.

Beauties of the French language, you likewise deserve our regret; you likewise were shining in all the ornaments with which the genius of so many orators had enriched you, when these barbarians came to lacerate and to mutilate you. They have made this elevated language serve for the most ignoble wranglings. How can it appear again with dignity? They have forced it to become the interpreter of their savage ideas, and of their ferocious passions. How can it henceforth express all the refinements of mind,
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all the delicacy of sentiment? They have fashioned it for hatred and for insolence. How can it still represent love and compassion? They have effaced all its shades. How then can it paint the heart of man; how can it design nature, and her innumerable varieties?

But shades are gradations, and the law of equality must certainly proscribe them.

We must allow the tribune orators their praise for the new words which they cast into their language; their verbs particularly, which come to every point so shortly; but these verbs of their invention, or of their industry, by accelerating their movements, frequently remind us of the rapidity of the vulture impatient to seize his prey.

Very soon, by the aid of so much harshness, every one will speak alike; but this is wished, this is desired, *Alike*, and every thing *alike*, this is the device of the times. Certainly with such a taste we require not so rich an abode, and the universe, with its various ornaments, with its renovations of scenes, is too beautiful for us. Above all, a nature continually perfectible is unnecessary for us; and we should do well to check it at its first progress, that we may enjoy the pleasure of being alike, and always alike.

The inhabitants of the banks of the Oronoko compress the temples of their children between two planks at the moment of their birth ; why is it not proposed to follow this example, in order to render us all equal in mind, all equal in understanding ? To what errors, to what wanderings of imagination, is man led, when he wishes to renew every thing, to change every thing at once in the social order, principles, institutions, customs, opinions, prejudices, habits, relations, ties, duties, and rights !

Ought not the advanced age of this period to give us some distrust of the merit of ideas which are in opposition to the maxims consecrated by experience ? Can so many attentive observers, so many men of genius, have traversed with closed eyes the immense space of time ? How is it that they have never perceived the importance of absolute equality, perfect equality, to happiness ? They have penetrated the system of the physical world ; they have discovered the laws which direct with regularity the movements of all the celestial bodies ; they have raised from the darkness of nature secrets that appeared inaccessible ; how can it have been, that, in examining and unceasingly studying the forces and springs
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of which it is composed, how can it have been, that they should never have perceived that social happiness depends upon one idea; an idea indeed above their minds, in its metaphysical abstraction, but yet so common and so simple in its usage and application? Ah! perish, for ever perish the reign of philosophy, if it always must wish to give us new laws; if it must wish, in every age, to establish, to begin, a new dynasty of opinions and of principles. I love plain good sense better; it keeps close to genius by experience, and to wisdom by its regular course; it connects all objects by real ties, and does not describe a circle in the void of abstractions; not being led astray by vain glory, not ambitious of originality, it takes its part in the rich accumulation of wisdom and sound ideas, which have been transmitted to us by the succession of ages.

Systematizers have one means of seduction which they well know how to employ; they always appear to be occupied for the interests of the human race; and this is not because, being endued with privileged souls, they may be susceptible of universal compassion; nor is it because they are more affected than others with public miseries; their
imagination,

imagination, on the contrary, raises them to high speculations, and in their wandering course they have no time to love. But the human race belongs to their purely speculative ideas; they attach themselves to it for convenience; and as its vast existence appertains to the future as well as to the present, they have no fixed time to answer for their experiments, and to acquit them of their promises.

It is thus that the defenders of equality, seeing the evils which it occasions, appeal to future ages, and demand to account with posterity. They fear not a tribunal whose judgment they will not hear, and, tranquillized by that thought, they give every day a new extension to their principles, and it is for the love of the human race that they spread terror over all the earth.

I shall make no pictures here; they would be misplaced in a philosophical treatise. There are dangers, there are miseries, there are crimes that require no painter; and it is not at the moment when the fires of Etna ravage the country, and destroy cities, that we can stop to describe them. We are seeking for first causes; and as, in morals and in politics, they adhere to ideas, subtile
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in appearance, but infinitely substantial in their action, we ought to avoid whatever might take us from the attention that they require.

I cast only one look upon the men who first by their doctrines led to the exaggeration of equality; they expected not so much deference, and they would have been content with securing their celebrity, and spreading far their renown; they have been believed more than they wished, and they now groan for the too credulous faith of their deluded followers.

They have not the less prepared the monstrous union of philosophical ideas with the most violent passions, an union which appears to recal the criminal alliance of which the Bible speaks, the marriage of angels with the daughters of men; it was the cause of the deluge, and the herald of the subversion of the world; and in the comparison which I have just made, this is one trait more of resemblance.

I conclude. We wished to prove that equality, amidst an immense population, will constantly depart from the end which ought to be proposed in a political association; and in studying so important a question, our own belief in that truth has increased. It is
necessary

necessary either to renounce the hope of a constitution which may serve as a defence to public order, to liberty, and to the most sweet and most social virtues, or chuse, among the different gradations of ranks, those which best suit the state where the government is to be formed.

These gradations are numerous; the royal dignity is the most imposing of all; but there are others also; for the distinctions of property, of birth, of fortune and education, the superiorities of manners and of age, the consideration attached to places, either by their duration or by other attributes, the hierarchy of powers distinctly marked, and at the same time supported by real prerogatives, and by the different external signs proper to give a relief to the chiefs of the state, all these circumstances are so many preparatives to ideas and sentiments of respect, and by collecting them, by weakening the resistance, we may, according to the nature of a country, according to its extent or divisions, attain to social harmony, and to the existence of a government.

Let us reflect, and we shall see that the most important part of political science consists in wisely regulating the gradations of which the social order is composed. The great merit

rit of the English constitution, and its principal preserver, is its having allowed to equality what it ought, and nothing more. But the most fatal of exaggerations is that which tends to a perfect democracy by an absolute levelling; there is then no longer a regular society, and every hope of order is lost.

Never will obedience accord with parity of pretensions; never will the unity, the regularity of administration, accord with the universal action of will; never will internal tranquillity accord with the continual ebullition of every self-love and of every rivalry. In fine, every authority valued in opinion, and which does not assist itself by tyrannical means, will always be incompatible with that general and monotonous familiarity, one of the consequences of perfect equality; for the social order is a compound of moralities, and of delicate moralities, like our imagination, like our soul, like the spirit upon which their power must act.

All intermediate authorities are disdained, their assistance is despised, when the dictatorship is entrusted to one sole passion, to a passion in all the vigour of its youth; but this kind of dominion has but a moment's reign, but a moment, in the immense course of ages
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and of years to which social laws and political constitutions are destined.

The innovators of France, in their discourses, in their combats in favour of equality, believed that they had reached the utmost bounds of philosophy; but if they could have placed themselves on that high point of elevation where all truths are discovered, if they could only have sent their deputies or their commissioners there, they would have learnt that they were leaving realities to run like knight errants after a lying shade.

They will not see it, but we must dare to say, that there is no equality but for non-entity and for death; for wherever life, wherever action commences, gradations are essentially necessary. The Author of the world has judged thus. We may well believe it.

And what is most beautiful in our moral existence, is to be able in the rapid moment of life, is to be able in the narrow bounds in which destiny has placed us, to assimilate our combinations to the genius of nature, and unite them, by some point, to those astonishing wonders that have preceded us and will follow us.

But we shall look in vain for this accord, if we abandon the moral laws; for they form
a bond

a bond between the ideas and the feelings of men, between men and universal order, between earth and heaven. It is by these laws that we must cultivate happiness, if we would have it prosper, if we would have it support itself, and resist the storms of life, and the impetuous efforts of our different passions. O thou who hast founded this holy morality to firm our tottering steps, and to fix the uncertainties of our mind! O God! protector of the world! support this beautiful system, and defend it against the attacks of its ambitious enemies! They would substitute their wisdom for thine; they would oppose their frail works to the eternity of thy doings. Thy immensity oppresses their pride; and in their delirium of absolute equality, a Supreme Being troubles them, and already, perhaps, they find him too often amidst their reasonings and their principles. But when his altars and his temples are shaken, feeling men, grateful men, will remain faithful to him, and they will throw themselves into the ark at the moment of the moral deluge which menaces the world, to transmit to new generations the religious and consoling opinions, whose course the innovators would wish to interrupt.

I offer

I offer these various reflections to the meditation of wise minds. Happy if I could believe their utility! Happy if, perhaps, they may abridge, if only of a few days, the time which experience seems to demand to instruct mankind by misery!



THE END.

